



FEDERAL BUREAU OF INVESTIGATION

WATERGATE (SUMMARY)

PART 1 of 2

FILE NUMBER : 139-4089

UNITED STATES GOVERNMENT

Memorandum

TO: THE DIRECTOR

DATE: 7/5/74

FROM: O. T. JACOBSON

SUBJECT: WATERGATE INVESTIGATION
OPE ANALYSIS

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James Walter McCard

Pursuant to the Director's instructions on 5/14/74 for the Office of Planning and Evaluation (OPE) to conduct a complete analysis of the FBI's conduct of the Watergate and related investigations the enclosed study has been prepared. The General Investigative Division participated in major portions of this study.

In view of the immense scope of the Watergate investigations, it was necessary for OPE to narrow the focus of this analysis to those areas of the investigations which have caused critical commentary relating to the Bureau's performance. Therefore, the OPE staff undertook a review of selected materials which provided a comprehensive cross section of commentary regarding these investigations. The materials reviewed included "White House Transcripts", proceedings of the Senate Watergate Committee; confirmation testimony before the Senate Judiciary Committee on the nomination of L. Patrick Gray III to be FBI Director, Earl J. Silbert to be U. S. Attorney for the District of Columbia, and William D. Ruckelshaus to be Deputy Attorney General. Numerous books and articles relating to the Watergate matters were also reviewed. In addition, inspection reports, summary memoranda, and selected file materials were reviewed and analyzed as to content.

Enclosure

1 - Mr. Callahan (Encl.)

1 - Mr. Adams (Encl.)

1 - Mr. Gebhardt (Encl. *in OPE 7/11/74*)

1 - Mr. Jacobson

1 - Mr. Sheets

1 - Mr. Revell

OBR/imt
(7)

attached
139-4689
ENCLOSURE

REC-84

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**Memorandum to The Director
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After the conclusion of this review process OPE was able to define fifteen general areas of criticism which encompassed essentially the entire range of responsible public commentary on the Bureau's involvement in the Watergate matters. These fifteen areas of criticism are as follows:

1. Allowing John Dean to sit in on interviews of White House personnel; submitting copies and/or reports of the FBI investigative results to Dean, and clearing proposed investigative activity through Dean.
2. Failure to interview all CRP employees re Watergate; delay in reviewing CRP files; CRP attorneys sitting in on FBI interview of CRP employees, and CRP attorneys having access to FBI file material.
3. Delay and/or failure to obtain access to and account for contents of Howard Hunt's desk and safe at the White House.
4. Failure to fully explore all possible ramifications of Watergate matter with subjects, suspects and potential material witnesses.
5. Delay or failure to interview several individuals re monies and/or checks found in possession of defendants or having been deposited to their bank accounts.
6. Failure to obtain and execute search warrants for search of original five subjects' homes, offices and automobiles.
7. Failure to identify and interview all persons listed in address books, notebooks, et cetera, which were seized and determined to be the property of the 7 original subjects.

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8. Alleged failure to detect and remove "bug" from the telephone of Spencer Oliver in the Democratic National Committee Headquarters.
9. Failure to promptly and thoroughly investigate alleged election law violations by Segretti and others associated with CRP or the White House.
10. Alleged activities by former Acting Director Gray to limit, contain or obstruct FBI investigation of Watergate matter.
11. Alleged leaks of Watergate investigative results to news media, Congress or other unauthorized parties by Bureau personnel.
12. Failure to interview or inadequacy of interview with certain White House officials (Haldeman, Colson, Chapin, et cetera).
13. Alleged activities on part of Department of Justice officials to limit, contain, or obstruct FBI investigation (Kleindienst, Petersen, Silbert, et cetera).
14. Alleged attempt by CIA officials to interfere, contain or impede FBI Watergate investigation.
15. Alleged activities on part of White House officials to limit, contain or obstruct FBI Watergate investigation. (Dean, Haldeman, Ehrlichman, Colson, et cetera).

General Investigative Division was furnished the 15 areas of criticism along with references as to origin and was requested to provide OPE with the following:

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- (1) A brief summary of the investigative activity conducted which gave rise to the criticism.
- (2) General Investigative Division's appraisal of the validity of the criticism and how it might have been avoided.
- (3) Any changes of policy that have resulted from such criticism.
- (4) General Investigative Division's instructions (brief summary) to the field relating to any of the above cited matters.
- (5) Citations to file materials and communications which substantiate the Bureau's position in each of the areas mentioned above.

After receipt of General Investigative Division's information (set forth in Section IV of the study), the position of the Bureau in regard to each area of criticism was analyzed by OPE and where indicated original file materials were reviewed. The results of the overall OPE analysis are set forth in Section V of the study.

The enclosed study is lengthy, however, it is designed to provide ready reference to particular problem areas as well as an overview of the investigation. The table of contents has been designed to provide sufficient detail so that specific activities and/or subject matters can be succinctly reviewed.

OBSERVATIONS

Certain aspects of the FBI's investigative effort in the Watergate affair have received adverse commentary or publicity. A careful review of the basis for these criticisms reveals them to be largely groundless or beyond the control of the Bureau. There can be no question

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that the actions of former Attorney Generals Mitchell and Kleindienst served to thwart and/or impede the Bureau's investigative effort. The actions of John W. Dean at the White House and Jeb S. Magruder at the Committee to Re-Elect the President were purposefully designed to mislead and thwart the Bureau's legitimate line of inquiry. At every stage of the investigation there were contrived covers placed in order to mislead the investigators.

In spite of the most serious impediments posed in this investigation, the professional approach used by the Bureau and the perseverance of our investigative personnel were the ultimate key to the solution of not only the Watergate break-in but the cover up itself.

Those most closely associated with the Bureau's efforts including Acting U. S. Attorney Earl Silbert, Assistant Attorney General Henry Petersen, former Acting Director Ruckelshaus and the Special Prosecutor's Office have on several occasions praised the Bureau's investigative performance in these cases. The direction given to Bureau investigations by the U. S. Attorney's Office and the Criminal Division of the Department of Justice has been the subject of much criticism due to a clear intent to initially steer away from political issues. Acting U. S. Attorney Silbert and Assistant Attorney General Petersen have borne the brunt of most of this criticism. The FBI followed well established Departmental policies in these areas and did vigorously pursue cases when requested to do so by the Department and/or the Special Prosecutor. All information developed indicating any possible violations of Federal law was properly referred to the Department.

In OPE's view the Bureau has a legitimate and compelling defense in all but three of the areas of criticism. In these three areas the facts must speak for themselves as no adequate explanation can be rendered due to the circumstances involved.

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These areas are as follows:

- a. The actions and activities of former Acting Director Gray.**

The actions of Mr. Gray have been fully investigated and reported to the Special Prosecutor's Office. No further action appears warranted by the Bureau in this area.

- b. The possibility of information having been leaked from FBI personnel.**

There are indications that certain Bureau materials relating to the Watergate matters were leaked. This is the subject of a continuing Inspection Division inquiry and has not been further pursued by OPE.

- c. The alleged failure to detect an electronic "bug" in a search of the Democratic Watergate Headquarters.**

The possibility of Bureau personnel overlooking or failing to detect an electronic device during a search of the Democratic National Committee Headquarters cannot be disproven. Our personnel say they could not have overlooked such a device, but responsible authorities cite facts and circumstances leading them to believe that the Bureau personnel failed to detect a "bugging device" planted by James McCord. There appears to be no way of resolving this dispute and the Bureau's position has been formally stated to the Department of Justice.

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The Bureau's position relative to the total activities involved in the Watergate investigations can be strongly defended as the enclosed study indicates. OPE believes that the information and documentation contained in this study thoroughly demonstrate the high caliber of investigative effort and professional conduct of Bureau personnel involved in the Watergate matters.

ACTION:

For information.

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FBI WATERGATE INVESTIGATION



O P E ANALYSIS

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July 5, 1974

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OPE ANALYSIS

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FBI WATERGATE INVESTIGATION

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I. PREDICATION:

The Office of Planning and Evaluation (OPE) undertook a study and analysis of the Bureau's Watergate and related investigations based upon the Director's instructions issued by memorandum dated May 14, 1974. In this memorandum the Director noted that recent revelations have newly introduced certain circumstances which may have a bearing on subsequent efforts to support the Bureau's investigative effort in the Watergate and related matters. He instructed OPE to prepare a complete analysis of the situation in order that the full ramifications be determined and discussed.

II. SCOPE OF OPE STUDY:

In view of the immense volume of the Watergate investigation, it was necessary for OPE to narrow the focus of this analysis to those areas of the investigation which have caused critical commentary in the Executive Branch, Congress, courts and the news media. In order to detect and identify specific areas of critical commentary relating to the Bureau's performance in the Watergate and related investigations, the OPE staff undertook a review of selected materials which would provide a comprehensive cross section of commentary regarding these investigations. Material reviewed to ascertain the most comment on specific criticisms included the following:

- (1) Submission of Recorded Presidential Conversations to the Committee on the Judiciary of the House of Representatives by President Richard Nixon, April 30, 1974.
- (2) Report of Proceedings Held Before Senate Judiciary Committee re Nomination of Earl J. Silbert to be U. S. Attorney for the District of Columbia.
- (3) Senate Watergate Hearings.
- (4) A Piece of Tape: The Watergate Story: Fact and Fiction; by James W. McCord, Jr.
- (5) All the President's Men, by Carl Bernstein and Bob Woodward.
- (6) Watergate: The Full Inside Story, by Lewis Chester, et al.

- (7) The Judge Who Tried Harder by George V. Higgins in The Atlantic Magazine, April 1974.
- (8) Report of Hearings Held Before Senate Judiciary Committee re Nomination of L. Patrick Gray III to be Director of the Federal Bureau of Investigation.
- (9) Watergate: Chronology of A Crisis; (2 volumes) by The Congressional Quarterly.

Numerous news media articles were also reviewed. In addition, summary memoranda prepared during the course of the investigation by both the Washington Field Office (WFO) and the General Investigative Division were reviewed. The results of previous Inspection Division reviews of the Watergate investigation were also analyzed. Only those cases directly relating to the Watergate burglary, the cover up of the burglary, the activities of the "White House Plumbers" group and illegal campaign activities have been incorporated within this analysis.

Cases such as the "ITT" matter, the "milk fund" case, and the Vesco case are not included as they preceded the Watergate activities and are not directly connected with Watergate matters.

After the conclusion of the review process set forth supra OPE was able to define fifteen general areas of criticism which encompassed essentially the entire range of responsible public commentary on the Bureau's involvement in and investigation of the Watergate matters.

These fifteen areas of criticism, which are set forth in Section V infra, were then referred to the General Investigative Division with appropriate references to the origin of criticism. The General Investigative Division was requested to provide OPE with the following information:

- (1) A brief summary of the investigative activity conducted which gave rise to the criticism.
- (2) General Investigative Division's appraisal of the validity of the criticism and how it might have been avoided.
- (3) Any changes of policy that have resulted from such criticism.
- (4) General Investigative Division's instructions (brief summary) to the field relating to any of the above cited matters.
- (5) Citations to file materials and communications which substantiate the Bureau's position in each of the areas mentioned above.

After receipt of the above cited information, the position of the Bureau in regard to each area of criticism was carefully reviewed by OPE and where indicated original file materials were reviewed. Thereafter an analysis of the situation in each of the specified areas was conducted. The results of this analysis are set forth in Section V of this paper.

In order to place the complex events surrounding this most extensive case in proper perspective, this paper includes a summary of past audits of the investigation and an appendix designed to provide ready reference to data relating to Watergate matters.

III. PREVIOUS AUDITS AND INSPECTION REVIEWS

From the outset of the Watergate investigation these cases have received the highest priority of supervision and direction, both in the Field and at the Headquarters level. Initial instructions to various field offices involved were transmitted telephonically by FBIHQ supervisors. These instructions were to give this case immediate priority attention under the personal supervision of the SAC. A "Personal Attention" airtel was sent from Headquarters on June 20, 1972, to all field offices having outstanding leads. This airtel stated in part as follows:

"This will confirm instructions to appropriate offices that all logical investigation is to receive immediate attention under the personal direction of SACs by as many SAs as are needed to insure absolute, thorough, immediate, imaginative investigation is conducted in this case. All leads are to be set out by telephone or teletype as appropriate. Bureau is to be aware of all leads."1*

Throughout this investigation there has been very close scrutiny of all aspects of the cases developed by the SACs of the field offices involved and by various components of the Headquarters supervisory staff. The Accounting and Fraud Section of the General Investigative Division has had the Headquarters supervisory responsibility for most of the Watergate and related matters investigation; however,

*Explanatory notes and documentation appear in Appendix (C) of this paper.

violations of election laws have been supervised by the Civil Rights Section and the operation of the "Plumbers"² and Daniel Ellsberg matters have been supervised by the Intelligence Division. In August, 1973, a Watergate Special Matters Unit was established within the Accounting and Fraud Section to afford intensive Headquarters review and coordination of Watergate investigative matters and to handle liaison with the Special Prosecutor's Office.

In addition to the intensive supervision that these cases have been given by SACs in the Field and by Headquarters supervisors and officials they have also been subjected to close review by the Inspection Division. During the inspection of WFO, March 8-27, 1973, the Watergate investigations were reviewed. No errors of substance were detected and no formal suggestions were rendered by the Inspection Staff. During the inspection of the General Investigative Division, July 30 - August 10, 1973, Watergate investigative matters and the Headquarter's supervision and coordination of these matters were closely reviewed. The inspection determined that the investigations were being vigorously and properly pursued, and were being afforded maximum direction and control. No errors of substance were detected or formal investigative suggestions rendered.³

On May 22, 1973, former Acting Director William D. Ruckelshaus instructed that an analysis of allegations concerning the

possible involvement by former Acting Director L. Patrick Gray III in actions to cover up, impede, or delay the Bureau's Watergate investigation be undertaken.⁴ The Inspection Division was assigned this task with the assistance of the Office of Legal Counsel.

On May 23, 1973, Mr. Carl Eardley, Executive Assistant to then Acting Director Ruckelshaus, who had been given the responsibility of conducting a thorough analysis of the Bureau's Watergate investigations, posed a series of thirty questions to Bureau officials concerning the initial handling of the case and the related activities of Mr. Gray.⁵ Based upon this series of questions the Inspection Division separated its inquiry into two distinct phases as follows:

- A. Publicized Allegations Concerning Former Acting Director L. Patrick Gray III.
- B. Pertinent Events at Initial Stages of Case and Questions Relative Thereto Posed by Mr. Eardley.

Mr. Eardley's questions were primarily based upon an informal log relating to the Watergate case maintained by then Assistant Director Bates. This log recorded events relating to the Watergate investigation involving Mr. Bates from June 21, 1972, to July 6, 1972. The Inspection Division coordinated the preparation of responses to Mr. Eardley's questions and furnished the facts to Acting Director Ruckelshaus by letterhead memorandum dated June 7, 1973.⁶ This document which is captioned "Watergate - Events at Initial Stage of Case" was furnished to the Special Prosecutor's Office on June 7, 1973, and completed phase B of the Inspection Division review.

The Inspection Division completed its analysis of the activities of former Acting Director Gray on June 26, 1973. Ten specific allegations were addressed in the analysis set forth in a memorandum which is twelve pages in length. The most significant aspect of the Inspection staff's analysis appears to be the following observations:

"In considering possible impediments to obtaining the full facts of the Watergate case the furnishing of numerous FBI reports and other communications by Gray to Dean must be considered... It is true there is no evidence in the files indicating this action by Gray impeded our investigation from an investigator's standpoint. Access by Dean to our investigation would logically indicate to him what information had been developed and which would enable him to work out strategy to cover up the case. Likewise, the destruction by Gray of documents apparently furnished him from Hunt's safe would have impeded the investigation although this cannot be stated positively since we do not know what specific material he destroyed, if any."⁷

On April 10, 1974, the Inspection Division's analysis of Mr. Gray's activities relating to the Watergate investigation were furnished to the Special Prosecutor's Office along with 32 other Bureau

documents.⁸ These documents were furnished to the Special Prosecutor's Office based upon a formal request received March 19, 1974, for copies of memoranda prepared during 1973 dealing with possible violations of law by L. Patrick Gray III.

IV. AREAS OF CRITICISM AND COMMENTS

1. Allowing John Dean to sit in on interviews of White House personnel; submitting copies and/or reports of the FBI investigative results to Dean, and clearing proposed investigative activity through Dean.⁹

COMMENTS: On June 19, 1972, WFO by teletype requested authority to interview Charles W. Colson since information had been developed that Hunt had worked for Colson at the White House. On June 22, 1972, Mr. Gray telephonically authorized then Assistant Director Bates to have WFO contact John Dean to set up interview with Colson. Dean subsequently indicated he would sit in on interviews of White House personnel and all requests for investigation at the White House had to be cleared through him.

Criticism of FBI interviews in the presence of Dean and clearing proposed investigative activities through him is justified. However, there appeared no alternative to WFO and to the Accounting and Fraud Section to following this procedure since the decision concerning this apparently had been made between Mr. Gray and Dean, and neither Bureau supervisors nor field agents were in a position to overrule decisions of the Acting Director.

With respect to the submitting of copies of FBI reports to Dean, this is probably the most serious blunder from an investigative

standpoint made by Mr. Gray. The facts concerning this development became known outside Mr. Gray's staff for the first time on February 5, 1973. This is long after the substantive investigation into the Democratic National Committee Headquarters (DNCH) break-in was completed and, in fact, was after the trial of those originally implicated was completed. While Dean's role as the master manipulator of the cover up was unknown and, in fact, the cover up itself was unknown during the investigation, obviously the furnishing to Dean by Mr. Gray of our reports allowed Dean the total opportunity to plan a course of action to thwart the FBI's investigation and grand jury inquiry. There was no way that FBI personnel could have avoided this situation since it was unknown that Mr. Gray was furnishing the reports to Dean.

The principal lesson to be learned from this is that rarely should we conduct interviews in the presence of an attorney and never should we allow the same attorney to sit in on all interviews relative to a certain situation. Further, FBI reports should be disseminated only to the prosecutor and certainly never to the White House.

2. Failure to interview all Committee to Re-Elect the President (CRP) employees re Watergate; delay in reviewing CRP files; CRP attorneys sitting in on FBI interview of CRP employees, and CRP attorneys having access to FBI file material. McCord states that if FBI had interviewed Robert Reisner, Magruder's assistant at CRP, the "Gemstone" file and Mitchell's role in the DNC wire-tapping would have been uncovered. ¹⁰

COMMENTS: There was no apparent reason to interview all the several hundred employees for CRP and such a shotgun approach to the investigation was never considered by WFO or by the Bureau. Rather, since we had definite leads to CRP in view of the arrest of McCord, our investigation proceeded upon logical lines. Specifically, we initially concentrated on identifying McCord's associates at the security end of CRP. We were endeavoring to determine whether others at CRP were involved in the conspiracy. We tried to determine who hired McCord; what finances were made available to him; and who worked with him.

We also concentrated on endeavoring to develop any tie-ins between Hunt and CRP since information was developed at the White House that a memorandum had been written by Richard Howard to Bruce Kehrli recommending that Hunt be dropped at the White House and picked up at 1701 (the address of CRP Headquarters was 1701

Pennsylvania Avenue, NW). We also sought through interviews at CRP to obtain similar-type information concerning Alfred Baldwin.

We also conducted interviews at CRP concerning the financing of the DNCH break-in in view of the information developed by Miami on June 22, 1972, relative to the \$89,000 in Mexican bank drafts and the \$25,000 cashier's check of Dahlberg. We conducted additional intensive interviews of CRP personnel concerning Liddy who was identified as a contact of the Watergate burglars when we got hold of Barker's and Martinez' address books from the Metropolitan Police Department on June 23, 1972. Those address books contained the name "George," beside which was the number we determined to be used by Liddy at CRP.

In all, we conducted about 60 interviews of CRP people including interviews of several of them more than one time. Of this number, several obviously lied to us, most notably John Mitchell, Jeb Magruder, Bart Porter, Sally Harmony and Maurice Stans. Hugh Sloan never permitted us to interview him but finally permitted an interview of him by the AUSAs after Sloan's attorney held discussions prior thereto with the AUSAs. (Sloan, over national television before the Ervin Committee, said the FBI never interviewed him about the Watergate matter, which is true, although he incorrectly made it appear we did not desire or try to interview him.)

The name of Robert Reisner never surfaced during our investigation at CRP Headquarters and during our numerous interviews there. It is apparent he was hiding from us and, in fact, WFO learned in April, 1973, when Magruder started telling the truth, that he had transferred Reisner from his job as Magruder's assistant about July 5, 1972, obviously to keep Reisner from coming to our attention. It is a sad fact that Rob Odle, whom we interviewed several times, failed to tell us, the Federal grand jury or the AUSAs of his activities on June 17, 1972, which included a telephone conversation with Magruder who told Odle to have Reisner clean out Magruder's files. Odle actually took the "Gemstone" file home with him that night but this was never mentioned to us. It is also observed that Reisner never came forward although he certainly had information and the opportunity.

It is also interesting to note that only three out of the same 60 CRP people we interviewed recontacted us for interviews outside CRP premises. It is apparent that most CRP people in the Summer of 1972 were quite willing to lie and/or to tell us considerably less than the full truth. It is further interesting that Magruder and Porter have now been prosecuted for their lies; Mitchell is under indictment for lying; and Stans is being investigated for Obstruction of Justice (OOJ).

On no less than seven occasions during the period June 19-29, 1972, did the investigating agents request records and documentation from Robert C. Odle, Jr., Director of Administration for CRP; Judy Hoback, Accounting Department, Finance CRP; and Robert L. Houston, Security Coordinator, CRP, concerning McCord's employment; payroll records for individuals employed by McCord; an inventory of McCord's electronic equipment and copies of supporting invoices; copies of all disbursements from CRP to McCord and McCord's Associates during the period November 15, 1971 to June 19, 1972; the identities of the personnel employed by McCord who would have worked at CRP; and records concerning Alfred C. Baldwin III.

The investigation developed that there were two situations in which CRP files apparently were destroyed. All our investigation was reported to and discussed with the AUSAs; was the subject of lengthy Federal grand jury inquiry; but the evidence was not sufficient to warrant OOJ indictments.

Finance records such as ledgers and records regarding contributors were destroyed about April 6, 1972, prior to the date on which the new regulations relative to disclosure of the names of contributors and the expenditure of funds went into effect on April 7, 1972. Second, there apparently was destruction of material having to do with Liddy's intelligence gathering operation. Herbert Porter on July 19, 1972, advised he threw away receipts Liddy gave for the money that Porter re-

ceived from Sloan to pass on to Liddy and allegedly Liddy used the CRP shredder on June 17, 1972, after the arrest at the Watergate to destroy some documents, probably the logs and memoranda dealing with Baldwin's overhearings of the conversations on Spencer Oliver's telephone. It was also reported that McCord's assistant, Robert Houston, removed some material from the CRP offices over the weekend of June 17 through June 18, 1972. (He told us this was some equipment he was working with, it was not destroyed but returned to the office.)

According to Millicent Gleason, a security officer at CRP, when interviewed on July 1, 1972, Robert Houston, early in the morning of June 18, 1972, went to the file cabinet in the security office and began removing files. When the FBI interviewed Houston, he denied it and we were unable to obtain other corroboration from the other CRP people.

Also, Baldwin told us on July 10, 1972, he prepared logs of the telephone conversations from which McCord prepared typed memoranda. We did not then know if those memoranda still existed. No one interviewed except Baldwin from whom the information about the logs and memoranda was originally obtained, would admit to knowledge of them. In fact, case agent Lano advised he heard Liddy's attorney state in closing comments to the jury that, in effect, Liddy destroyed evidence, possibly the memoranda, soon after the arrests on June 17, 1972, using the CRP shredder.

On July 18, 1972, Judith Hoback, then Assistant to the Treasurer of the Finance CRP, advised us that about five ledger books used to record cash were destroyed prior to April 7, 1972. Also, all bank accounts of the Finance CRP were closed on April 6, 1972, and all pertinent records destroyed. Mrs. Hoback also told us that she heard from unrecalled persons at the office that Liddy was shredding office papers on the day of the burglary. She said she believed all lists of contributors were destroyed prior to April 7, 1972. We pursued this shredding angle but could never develop firsthand information.

On June 30, 1972, Stephen Anderson, a security guard at CRP, was interviewed in the presence of CRP attorney H. Donald Kistler. He furnished only negligible information at the time but late in the day on June 30, 1972, he telephoned WFO and requested to speak to the agents who had previously interviewed him. He told us that on the evening of June 16, 1972, McCord stayed at the CRP office much later than usual and instructed Anderson to get a key for each desk, file cabinet and office on the second floor of CRP (the Finance CRP floor). McCord told him the Finance CRP had some papers which they had ordered to be destroyed and the desks and cabinets would have to be checked to verify this destruction. Anderson assembled the keys and placed them on top of a file cabinet with written instructions as to what was to be done with the keys. Anderson also advised that Penny Gleason told him that on June 18, 1972, she observed Robert Houston going through file cabinets of McCord and removing papers. Houston told Gleason he had to burn the

papers. However, Houston denied such actions to us.

With respect to the CRP attorneys sitting in on our interviews at CRP Headquarters, such arrangements were made between CRP attorney Kenneth Parkinson, USA Titus and AUSA Silbert. Parkinson represented to these men that he would like to sit in on the interviews in view of the fact that CRP was the defendant in the civil damage suit filed by the Democratic National Committee. Titus and Silbert agreed to allow Parkinson to sit in provided there was no interference in the questioning of the CRP personnel by the agents. A few days later it developed that the CRP attorneys who were sitting in on the interviews began to interfere with the questioning and slowed our efforts to conduct interviews by not being available. This interference was made known to Silbert by WFO and since Parkinson was adamant that counsel had to be present during these interviews to protect CRP, Silbert began subpoenaing the CRP personnel before the grand jury where they would be questioned without having CRP attorneys present.

Further to the point that we had difficulty in conducting interviews outside the presence of counsel was our experience during the investigation of the transmitter found on a telephone of R. Spencer Oliver, DNCH, September 13, 1972. DNCH advised agents of WFO that it would not permit the interview of its employees without the presence of an attorney representing DNCH unless that employee specifically requested

that the attorney not be present. A total of 61 employees at DNCH were interviewed in the presence of an attorney.

Although we did not make available any FBI material to CRP attorneys, apparently Dean allowed Mardian, Parkinson and Paul O'Brien (CRP counsel) to review some of the reports which Mr. Gray furnished to Dean. This subversion of our investigation was not known to the Bureau but Dean testified in the Summer of 1973 to this before the Ervin Committee.

3. Delay and/or failure to obtain access to and account for contents of Howard Hunt's desk and safe at the White House.¹¹

COMMENTS: On June 17, 1972 Hunt's probable involvement in the Watergate incident came to WFO's attention because of his country club bill found in the Watergate Hotel and because of information contained in Barker's address book. WFO, about 6:00-7:00 pm, June 17, 1972, contacted Butterfield of the White House and learned that Hunt had previously worked as a consultant to the White House. Butterfield was told Hunt may be involved in the DNCH burglary. On June 18, 1972, Butterfield recontacted WFO and advised that Hunt had worked for Charles Colson, Special Counsel to the President.

On June 19, 1972, SA Saunders reviewed Hunt's personnel file at the White House and also called White House number 456-2282 (which number was contained in Barker's address book), asked to speak to Mr. Hunt and was informed that he had not come to his office that day. On the afternoon of June 19, 1972, WFO by teletype requested Bureau authority to interview Colson. On June 22, 1972, upon Mr. Gray's instructions, then Assistant Director Bates, at about 10:25 am, authorized SAC Kunkel to have agents contact Dean to discuss an interview with Colson and discuss obtaining of telephone toll call records involving Hunt at the White House. Thereafter, SA Saunders contacted Dean to set up interview of Colson which was conducted on the afternoon of June 22, 1972, in Dean's office with Dean present.

During the interview when Colson said that he believed Hunt had worked on the third floor of the building, SA Lano asked Dean if the agents could accompany Dean to Hunt's office on the third floor to determine if Hunt may have left anything there. Dean stated that this was the first he was aware of this office. In response to an Agent's request to examine the office, Dean advised the White House would provide the FBI with any contents belonging to Hunt. On the morning of June 26, 1972, Dean called SA Lano and advised he had something to turn over to the FBI. SAs Mahan and Michael J. King were then sent to Dean's office. At approximately 11:00 am, Dean gave these agents a box containing some of Hunt's effects and between 4:00 and 4:30 pm, June 26, 1972, Dean's assistant, Fred Fielding, gave same agents a second box of Hunt's effects.

It is not apparent from the foregoing that there is any validity to criticism of Bureau agents for delay in obtaining access to Hunt's space at the White House. The Accounting and Fraud Section cannot explain why the interview of Colson, which was recommended June 19, 1972, was not approved by Mr. Gray until June 22, 1972. As soon as his approval was obtained, immediate steps were taken to interview Colson. As set out above, Dean thwarted our efforts to gain access to Hunt's office at the White House.

The possibility of obtaining a search warrant for Hunt's office at the White House and the fact that we did not have the necessary probable cause is discussed later under Item #6.

4. Failure to fully explore all possible ramifications of Watergate matter with subjects, suspects and potential material witnesses.¹²

COMMENTS: This criticism is absolutely false and has no basis in fact. To the contrary, our agents were in fact very thorough in exploring all aspects with every possible subject, suspect and witness. It is an absolute fact that we conducted thousands of interviews and tracked down and interviewed all the people who were indicated to have been in contact with the subjects. Not one of the subjects of the investigation would talk to our agents and none of them would cooperate with the AUSAs or testify before the Federal grand jury despite very substantial efforts which were made to endeavor to secure cooperation and the full story. This included an unsuccessful effort to immunize Gonzalez (who was considered to be the likely best prospect for immunity) and at least two efforts by Silbert to give McCord a deal in exchange for his cooperation.

There is absolutely no question that the conspiracy in this case was broken only when the time came when some of those inside the conspiracy, specifically McCord, Dean and Magruder, came to feel that it was to their better self-interest to tell their stories. An investigation succeeds in discovering the total truth only when investigators have the opportunity to interview different suspects thoroughly, to compare the information obtained and exploit differences in stories obtained. We were prevented from making any benefit from this necessary investigative

technique by the fact that all of those involved who would talk lied and kept their stories straight and together. Since Dean was kept completely informed of our investigation by Mr. Gray and apparently to some extent by Assistant Attorney General Petersen, there was no possibility that we could get a break.

As a matter of fact the testimony of former Attorney General John Mitchell before the Ervin Committee on July 10, 1973, in discussing the cover up best sums up this matter when he stated in part that the effort of those very high-level Executive Branch people was "...keeping the lid on and no information volunteered." This rather succinctly accounts for the fact that, despite thorough questioning by our agents, those interviewed, from Ehrlichman, Mitchell and on down, replied in the negative regarding knowledge of anything having to do with the break-in and bugging or that they had gotten any information from McCord, Liddy or Hunt.

5. Delay or failure to interview several individuals re monies and/or checks found in possession of defendants or having been deposited to their bank accounts. ¹³

COMMENTS: At the time of the subjects' arrests on June 17, 1972, and subsequent search of their hotel rooms at the Watergate Hotel, Washington, D. C., 44 new one hundred dollar bills were found, some of which were sequentially numbered. It was determined from the Bureau of Engraving and Printing on June 19, 1972, that the Prefix F bills were distributed to the Miami Branch, Atlanta Federal Reserve Bank (FRB), and the Prefix C bills were distributed to the FRB, Philadelphia, Pennsylvania, during early February, 1972. On June 20, 1972, records of FRB, Miami, disclosed the foregoing one hundred dollar bills were part of a \$50,000 shipment on April 18, 1972, to the Republic National Bank, Miami, at which bank Bernard L. Barker maintained a business account. A review on June 21 and June 22, 1972, of this account showed that Barker, on April 20, 1972, deposited four drafts totaling \$89,000 drawn on the Banco Internacional, Mexico City, Mexico, all payable to Sr. Manuel Ogarrio. On May 8, 1972, Barker received cash for these checks including \$10,000 in new one hundred dollar bills (serial numbers not recorded by the bank according to the banker when interviewed June 21, 1972).

It was also developed that on April 20, 1972 Barker had presented a cashier's check dated April 10, 1972, payable to Kenneth Dahlberg, drawn on the First Bank and Trust Company of Boca Raton, Florida, for which Barker received cash. Investigation showed Dahlberg to be a prominent Minneapolis businessman and fund raiser for CRP. Efforts to interview Dahlberg initially on June 22, June 23, June 24, and June 26, 1972, were unsuccessful as he evaded our agents and finally on June 26, 1972, declined interview on the basis of his counsel's advice.

Mr. Helms, then Director of CIA, on June 28, 1972, allegedly informed Mr. Gray orally that ~~the last recorded contact~~ CIA with Dahlberg was in May, 1961. On June 29, 1972, Mr. Gray instructed Mr. Felt that among those CIA employees or contacts not to be interviewed or investigated at that time because of national security considerations were Dahlberg and Ogarrio. It was not until July 6, 1972, that Mr. Gray, according to Mr. Bates, gave the go ahead on the Dahlberg and Ogarrio interviews. It is interesting to note that General Walters, then Deputy Director, CIA, furnished memorandum to Mr. Gray dated July 6, 1972, which in part stated that Mr. Gray was orally advised on June 27 and June 28, 1972, that Ogarrio and Dahlberg, respectively, were not involved with CIA and were open for FBI interview.

Dahlberg was interviewed July 6, 1972, when he claimed that \$25,000 represented contributions he accumulated while he was

staying in Southeast Florida prior to and during early April, 1972; however, in August, 1972, Dahlberg changed his story and admitted the contribution was in fact that of Dwayne Andreas, a prominent businessman who wished to make an anonymous contribution.

[REDACTED]

BI However, in Mr. Felt's memorandum of June 29, 1972, it is stated that Mr. Gray instructed that CIA employees or contacts, [REDACTED] not be interviewed or investigated because of national security considerations. [REDACTED] advised to hold up on the interview. It is noted that in memorandum C. Bolz to Mr. Bates June 29, 1972, it is stated that Mr. Helms, CIA, advised the Acting Director that agency has never had any interest in Manuel Ogarrio

and has had no interest in Kenneth Dahlberg since 1961. With Mr. Gray's approval, [REDACTED]

The criticism concerning the delay in interviewing Dahlberg and Ogarrio is valid only if leveled against Mr. Gray, assuming he was aware on June 27, 1972, that no restrictions by CIA were placed on our interviews of Dahlberg and Ogarrio. The criticism of Mr. Gray might not be valid if he had been misled by CIA or someone else such as Dean or Ehrlichman, especially since during the early stages of this investigation there were very real indications that the FBI's investigation may be leading into a CIA operation with respect to the money or the burglary of DNCH itself; however, we did not develop solid evidence as the investigation progressed to indicate that CIA was involved in the planning or execution of the Watergate break-in. In any event, the criticism is not valid if leveled against the execution of investigative responsibility by the Accounting and Fraud Section or the Field.

6. Failure to obtain and execute search warrants for search of original five subjects' homes, offices and automobiles.¹⁴

COMMENTS: This particular criticism has received widespread publicity from four principal sources, each of which should know better. Probably the primary criticism has been directed to us by NBC broadcaster Carl Stern who provided "expert legal opinion" during the nationally televised Ervin Committee hearings, closely followed by McCord and Senators Hart and Ervin of the Senate Judiciary Committee. The fact is that considerable consideration was given to obtaining search warrants and in each instance in which we could meet the constitutional requirements of the Fourth Amendment, search warrants were obtained. It should be common knowledge of individuals having legal training and that includes Stern, McCord and Senators Hart and Ervin, that probable cause for the issuance of a search warrant specifically includes: 1) That there is knowledge which can be testified to before a Magistrate that there is present at a certain location, evidence, fruits or instrumentalities of a crime; and 2) Information must be recent and must be corroborated. Mere suspicion is not probable cause.

It was the opinion of AUSA Silbert in the Summer of 1972, which continues to the present as he stated in his testimony before the Senate Judiciary Committee on April 23, 1974, that there was not probable

cause to sustain a search warrant for McCord's home or office. WFO did conduct extensive investigation, including interviews of McCord's neighbors, to endeavor to develop evidence that anyone had seen electronic equipment or McCord's truck at his home shortly after the arrest but this investigation did not bear fruit. The first positive evidence we developed that bugging equipment had been taken to McCord's home after the arrest was obtained on July 10, 1972, from Alfred Baldwin. Since this was 23 days after the date that Baldwin drove McCord's truck with equipment to McCord's home, it was Silbert's opinion that too much time had elapsed to permit the obtaining of a search warrant then. The lack of probable cause also kept us from obtaining search warrants for Hunt's home and offices as well as the homes and offices of the other defendants.

It is interesting to note that search warrants were obtained by the Metropolitan Police Department, with FBI assistance, for two rooms at the Watergate Hotel occupied by the subjects the night of the arrests, which rooms were searched on June 17, 1972. An automobile rented in Washington, D. C., by the subjects was also searched pursuant to a search warrant. In addition, when information was obtained on June 21, 1972 from an informant in Miami that Martinez had a car parked at the Miami Airport which was reported to contain a gun and other evidence, Miami obtained a search warrant for this car and the car was searched.

Based on the foregoing, it appears this criticism is totally without merit.

7. Failure to identify and interview all persons listed in the address books, notebooks, et cetera, which were seized and determined to be the property of the seven original subjects.¹⁵

COMMENTS: The Barker and Martinez address books were seized by the Metropolitan Police Department as a result of the search of the two rooms at the Watergate Hotel, occupied by the arrested subjects on June 17, 1972. The search warrants which legally authorized search of these two rooms were obtained by Metropolitan Police Department officers and the items seized were taken by the police officers.

About June 23, 1972, SA Lano, through contact with the Metropolitan Police Department officers, obtained access to the Barker and Martinez address books for investigative use and the books themselves were returned to the Metropolitan Police Department. On June 26, 1972, AUSA Silbert requested the FBI to take possession of the evidence seized including the books which were officially turned over to WFO by the Metropolitan Police Department on June 28, 1972.

By airtel dated June 23, 1972, to Miami, WFO forwarded two photographic copies of each of these address books for investigative assistance of Miami and instructed Miami to review both books and conduct appropriate investigation regarding the information set forth in the books. WFO had already extracted information from the books concerning names, addresses and telephone numbers in the Washington, D. C., Maryland and

Virginia areas and conducted investigation concerning each of these notations and all persons interviewed. In January, 1973, during the trial of the original seven defendants, it was learned for the first time that Miami had not interviewed each individual in these books who was from South Florida.

Upon inquiry by FBIHQ in January, 1973, the Miami Office advised that as soon as Martinez' and Barker's address books were received from WFO, the books were examined by Miami Special Agents familiar with the Latin community and who were familiar with the McCord case. Miami indices were searched concerning the names in these two books. Targets for interviews by agents were selected by Miami based on the judgment of the Special Agents who reviewed the books, taking into consideration any information concerning the people contained in Miami's files.

Miami advised that based upon judgment of the Special Agents reviewing the address books, about 25 interviews were conducted out of the approximately 120 Miami area notations in Martinez' book. Barker's book contained about 110 Miami area identifiable notations and approximately 50 percent of these people were interviewed.

It is believed that Miami's approach to Martinez' and Barker's address books was proper at the time taking into consideration the fast moving extensive investigation which was then being conducted and

and which was focused on tying Hunt and Liddy into the conspiracy. It would have been much better had Miami later contacted all of the individuals in these books not previously interviewed, in the interest of total completeness of the investigation. However, interestingly enough, the judgment of the Miami Special Agents who reviewed these books and selected targets for interviews proved to be good since the contacts of those individuals whom we had not interviewed, by the press, did not bring to light any additional information. Considerable consideration was given in January, 1973, by FBIHQ to having the individuals not already interviewed, contacted by Miami. This proposal was not accepted by Mr. Gray, and probably rightfully so, on the premise that had we conducted these interviews during the trial, there no doubt would have been sensational press stories that the FBI was continuing its investigation while the trial was in progress.

8. Alleged failure to detect and remove "bug" from the telephone of Spencer Oliver in the Democratic National Committee Headquarters. McCord states that he installed two electronic devices on telephones in the DNC that were not detected or removed by the Bureau, the first was removed in September of 1972 and the second was not removed until April of 1973.¹⁶

COMMENTS: The Bureau has been criticized a number of times previously concerning this matter, most strenuously in September, 1972, when AUSA Silbert forwarded a memorandum dated September 28, 1972, to Assistant Attorney General Petersen in which he flatly stated that he believed the Bureau "goofed" in its security survey of DNCH shortly after the Watergate break-in. Mr. Silbert set forth five reasons which led him to believe this and the Laboratory personnel who had conducted the security check analyzed these reasons point by point and rejected the validity of same. The principal points made by the Laboratory were that a thorough physical search had been conducted by Bureau personnel of DNCH, the bug located September 13, 1972, on Oliver's telephone was so large that it could not have been missed had it been on Oliver's telephone in June, 1972, and that physical security of DNCH space was such as to make access for the installation of the device relatively easy.

There follows a brief discussion of the matter of security survey of DNCH. On June 19, 1972, Mr. Felt held a discussion with the

Attorney General concerning the investigation and it was agreed that a sweep of DNCH was a logical investigative step. However, the Attorney General suggested that in view of the sensitive nature of this case, Mr. Gray might want to personally contact Democratic Chairman O'Brien to suggest this.

On June 21, 1972, Mr. Felt sent a note to Mr. Gray suggesting that the security sweep be implemented at once. Mr. Gray instructed that this be held off at that time but on the morning of June 22, 1972, he authorized then Assistant Director Bates to contact Chairman O'Brien of DNCH to offer to conduct an electronic sweep. Arrangements for this sweep were coordinated by WFO and the FBI Laboratory and DNCH space was checked by FBI Laboratory personnel on June 29-30, 1972, with negative results. It is interesting to note that WFO advised that Earl Connor, Chief of Security, C&P Telephone Company, and his assistant, who originally installed the telephone equipment at DNCH, also conducted a security survey of the telephone and communications equipment at DNCH on June 17-18, 1972, and detected nothing unusual or out of order.

On April 9, 1973, McCord examined the device removed from Oliver's telephone on September 13, 1972, and testified before the Federal grand jury to the effect that this device appeared to be one which he had placed at DNCH. He also stated that he had placed another

listening device, which had not worked, in a telephone located at DNCH in a room adjacent to the office occupied by Oliver. Based on this testimony, on April 9, 1973, FBI Laboratory personnel conducted another check of all telephones located in the DNCH offices and no listening device was located.

This testimony by McCord caused further inquiry into the matter of wiretap devices at DNCH. On April 11, 1973, personnel of the Radio Engineering Section met with Mr. Connor, at which time he stated the objective of his survey of June 17-18, 1972, was to physically examine all telephone installations and telephone equipment on the sixth floor space at DNCH for wiretap devices. (This is the floor on which the original arrests were made and is the floor containing O'Brien's; Oliver's; and the rest of the offices of the principal Democratic Committee personnel.) Mr. Connor advised that no record was maintained identifying the specific items of telephone equipment checked, and while because of the lapse of time he and his assistant could not remember details of each individual telephone, he was positive that all available telephones were checked.

A room by room tour of the sixth floor space was made with Mr. Connor to refresh his memory. He identified only one room, that occupied by the press secretary, as having been unavailable and therefore as not having been included in his survey of June 17-18, 1972.

He recalled that this room was locked and he was advised by DNCH officials that this room need not be checked. This room was adjacent to Oliver's office but had no interconnecting door to Oliver's office and had no telephone service in connection with Oliver's office. Both Mr. Connor and his assistant advised that the June 17-18, 1972, check included taking the telephones physically apart for visual inspection for foreign items and none were found. Each of these men recalled that Oliver's office was one of those included in their survey.

We conducted an extremely detailed investigation concerning the September 13, 1972, wiretap device removed from Oliver's telephone but did not succeed in developing any positive information concerning that device. The Laboratory, which is well qualified to render such a statement, has stated that the device removed from Oliver's telephone was not there in June, 1972. The telephone company personnel stated the same thing. Mr. Silbert apparently still believes, as indicated in his testimony before the Senate Judiciary Committee on April 23, 1974, that the Bureau "goofed" in its security survey in June, 1972. It is his prerogative to hold this view even though we have previously furnished him with all the above mentioned facts. This criticism apparently will not die, the matter appears insoluble and there is no way we can further refute this criticism.

9. Failure to promptly and thoroughly investigate alleged election law violations by Segretti and others associated with CRP or the White House.¹⁷

COMMENTS: Information concerning Donald Henry Segretti came to our attention on June 22, 1972, during the early stages of the Watergate investigation when the thrust of the FBI's efforts was logically concentrated on the original seven defendants. We interviewed Segretti who was not cooperative in furnishing useful information. Thereafter we conducted extensive investigation to try to determine his possible involvement in the DNCH break-in conspiracy. When it became obvious that Segretti was not a part of that conspiracy but rather was only involved in campaign "dirty tricks," a possible but unlikely Election Laws matter, we ceased investigating him with AUSA Silbert's concurrence.

The long-standing Department policy regarding Election Laws is that allegations of violations are referred to the Department of Justice and no additional investigation is conducted unless specifically requested by the Department. Our reports containing results of investigation including information concerning Segretti's activities were disseminated to Assistant Attorney General Petersen. We properly did not pursue the Election Laws aspect as we were not requested to do so by the Department.

When massive newspaper publicity about Segretti's activities began in the second week of October, 1972, principally in the form of articles written by "The Washington Post" reporters Bernstein and Woodward, the Acting Director instructed then Legal Counsel Assistant Director Dalbey to review the newspaper stories and the analysis of same which had been made by the General Investigative Division, to determine whether Segretti was in violation of Federal law. Mr. Dalbey was of the opinion that the information available was too nonspecific to put Segretti in violation of any Federal law except possibly Election Laws matters.

In light of this, on October 17, 1972, then Section Chief Charles Bolz of the Accounting and Fraud Section, contacted Assistant Attorney General Petersen of the Criminal Division relative to Segretti's activities as he had related them to us and as set forth in the then recent issue of "The Washington Post." Mr. Petersen was advised that we did not conduct investigation of Segretti's alleged political harassment activities and did not contemplate conducting investigation regarding those activities unless the Department made a specific request for investigation. Mr. Petersen advised Mr. Bolz he was fully aware of the extent of the FBI's investigation and said he did not believe Segretti's activities were in violation of any Federal statutes. Accordingly, he could see no basis for requesting additional investigation of the FBI at that time.

This criticism of the FBI is not justified as we performed in accordance with established practice. The fact that the Special Prosecutor's Office, when it was established, decided to have us pursue Segretti's activities is not indicative of any prior dereliction on the part of the FBI. We still conduct full investigation of possible Election Laws violations only upon request of the Department or of the USA. (FBIHQ clears such USA requests for full investigation through the Department before the field is authorized to conduct same.) It is interesting to note that the exhaustive investigation of Segretti's "dirty tricks" activities conducted pursuant to the Special Prosecutor's request, has not resulted in any prosecutive activity. The prosecution of Segretti which has been done grew out of a separate FBI investigation, conducted at the request of the Criminal Division, months before the Special Prosecutor's Office was established.

10. Alleged activities by former Acting Director Gray to limit, contain or obstruct FBI investigation of Watergate matter.¹⁸

COMMENTS: In general, since the outset of the Watergate investigation, numerous public allegations have appeared suggesting the possibility that the investigation was impeded by instructions given by Mr. Gray.

The major areas of criticism of alleged questionable activities of Mr. Gray are as follows:

a. Delay in authorizing interviews of Charles Colson and David Young at the White House and the interview of Kathleen Chenow, London, England.

WFO by teletype June 19, 1972, requested authority to interview Charles W. Colson as Hunt had worked for Colson at the White House. A memorandum was prepared during the afternoon of June 19, 1972, recommending this interview but this was not approved by Mr. Gray until the morning of June 22, 1972. The reason for this delay is not known.

By teletype dated June 28, 1972, WFO requested [REDACTED] [REDACTED] interview Kathleen Chenow, former secretary to David Young, [REDACTED] Apparently at Mr. Gray's instructions, this lead was not immediately covered but was held in abeyance because of "national security considerations." Mr. Gray later advised that Chenow was being brought back to the United States in a military aircraft in company

of Fred Fielding, Dean's assistant. When interviewed July 3, 1972, in Dean's presence, she furnished little, if any, useful information. It appears likely the reason we had to wait to interview Chenow was because Dean wanted to brief her beforehand.

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By teletype June 29, 1972, WFO recommended immediate interviews of [REDACTED] David Young at the White House; John Mitchell in New York; and [REDACTED] SAC, WFO, advised June 30, 1972, that AUSA Silbert stated that USA Titus felt there was some delay on the part of the FBI, referring to the interviews of Young, Chenow and Ogarrio, and the receipt of copies of reports. Thereafter, on the same date, Mr. Felt told Mr. Bates that John Dean of the White House had said to hold off interview of Young until Dean talks to Mr. Gray. Later that day Mr. Felt advised Mr. Bates that it was all right to interview Mitchell and Young and that Young would be (and was) made available at the White House on Monday, July 3, 1972. The reason for this delay is not known.

b. Delays in authorizing interviews in connection with the Dahlberg and Ogarrio checks which were funneled through Bernard Barker's bank account in Miami, Florida.

On June 28, 1972, authority was granted [REDACTED] [REDACTED] to interview Manuel Ogarrio concerning the \$89,000 in Mexican bank drafts which had been located through a review of subject

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Barker's bank account in Miami. [REDACTED] B1

[REDACTED] However, based on instructions from Mr. Gray, the interviews of Ogarrio and Kenneth Dahlberg were deferred due to "national security considerations." It is interesting to note that John Dean testified before the Senate Select Committee that even though CIA had cleared Ogarrio and Dahlberg for FBI interview, Dean called Mr. Gray instructing that the interviews not be conducted at that time. Clearance for the Ogarrio interview was later received and he was interviewed [REDACTED] B1 Similarly, Dahlberg was subsequently interviewed by the Minneapolis Office on July 6, 1972, based on a memorandum from Mr. Bates to Mr. Bolz July 6, 1972, which confirmed oral instructions received from Mr. Gray. As set forth in Item #14 of this memorandum, it is still not clear why we were delayed.

c. Concessions to Dean:

1. Allowing Dean to sit in on our interviews of White House personnel.
2. Furnishing Dean copies of our investigative reports and other communications.
3. Clearing with Dean certain aspects of intended investigation including projected leads at the White House and CRP.

Mr. Gray's decision to allow John Dean to sit in on interviews with all White House personnel obviously had a deleterious effect on the investigation of White House personnel. From the investigative

standpoint, having Dean present at interviews undoubtedly had the effect of limiting the furnishing of pertinent information to our agents. Although eventually all the interviews the field desired to cover were handled with the exception of the interview of a covert CIA employee as set out elsewhere in this memorandum, delays were encountered in conducting some pertinent interviews. The exact reasons for these delays and the effect on the overall investigation are not known but have been the subject of much speculation.

In considering the possible impediments to obtaining the full facts of the Watergate case, the furnishing of numerous FBI reports and other communications by Mr. Gray to Dean must be considered. The facts concerning this development first became known February 5, 1973. Up to that time, apparently no one outside of Mr. Gray's staff had any knowledge of what had transpired. There is no evidence in the files indicating this action by Mr. Gray impeded our investigation; however, it must be recognized that access by Dean to our investigative reports would logically indicate to him what information had been developed which would enable him to work out strategy to cover up the case.

Similarly, Mr. Gray's concession to clear White House investigation with Dean prior to it being conducted would give Dean time to set the stage in order that the results of that investigation would be more favorable to Dean's ultimate ends.

d. Acceptance from Dean of certain material allegedly taken from Hunt's safe in the Executive Office Building, which Mr. Gray testified he burned.

We cannot state whether the destruction by Mr. Gray of documents apparently furnished him from Hunt's safe would have impeded our investigation as we do not know with certainty what material was destroyed, if any. Although, admittedly, it is speculative, the acceptance of this material from Dean in the fashion it was done and at a relatively early date (June 28, 1972) in the investigation, may very well have given Dean even more control over Mr. Gray in future dealings.

e. Failure to pursue and investigate the political espionage and sabotage activities allegedly planned by Segretti.

Concerning Mr. Gray's failure to pursue the Segretti matter, this is discussed in Item #9 above and criticism of Mr. Gray or the FBI in general in this regard does not appear to be justified.

By memorandum dated June 26, 1973, captioned "Watergate, Analysis of Possible Involvement by L. Patrick Gray," the above-cited questionable areas were analyzed. Our response in part has been taken from that memorandum. It appears that certain actions of Mr. Gray may be construed as having impeded our investigation.

In conclusion, the investigating agents, supervisory personnel and Bureau officials connected with the Watergate case were

quizzed on two occasions to determine if they felt there were any leads they were not permitted to pursue. In all instances the answer was "no" with the exception of WFO Supervisor Ruhl who referred to the two covert CIA people detailed hereafter (see Item #14). This quizzing, of course, took place before the extraordinary disclosures of the cover up which began to come to light in late March, 1973.

11. Alleged leaks of Watergate investigative results to news media, Congress or other unauthorized parties by Bureau personnel. 19

COMMENTS: Allegations of leaks from the FBI concerning the Watergate investigation began in the first week of our investigation and continue to the present time. Although there has been much speculation concerning the source of these leaks, hard facts pinning down these sources have not as yet come to light. It is recalled that on Saturday, June 24, 1972, Mr. Gray had SAC Kunkel and all the WFO Special Agents working on the DNCH break-in into his office at which time he castigated the agents severely concerning the alleged leaks of information. Newspaper stories attributed to sources continued to erupt and during the following week, at Mr. Gray's instructions, the Inspection staff interviewed 29 WFO employees; seven General Investigative Division employees; six Laboratory Division employees; and three Identification Division employees, with negative results, in an effort to determine whether Bureau personnel were responsible for these leaks.

In October, 1972, "The Washington Post" reporters Bernstein and Woodward wrote numerous articles dealing with Segretti's activities. In connection with these articles, Bernstein attempted to interview SA Angelo Lano, WFO case agent. SA Lano refused to offer any comment and Bernstein stated that although he could not name his

source, he could furnish Lano with a "good clue." Thereafter, with the approval of then Assistant Director Bates, Lano met with Bernstein on a street in Washington, D. C. , for the specific purpose of having Bernstein identify his source. This effort proved unproductive and SA Lano terminated the conversation. Later, on October 23, 1972, Bernstein and Woodward were in the process of writing a somewhat explosive story which raised the name of H. R. Haldeman as being involved in the so-called secret fund of cash maintained at CRP. Bernstein telephonically contacted SA Lano late in the evening in an effort to get confirmation of Haldeman's alleged involvement and SA Lano declined to furnish Bernstein information. The following day, after this article was printed, Bernstein and Woodward saw SA Lano in U. S. District Court and in a somewhat agitated state, informed SA Lano they were under pressure to identify their source and they would have to name SA Lano as the source of the story involving Haldeman. SA Lano categorically denied this allegation to these reporters and on October 26, 1972, furnished the Bureau a lengthy sworn affidavit outlining the whole matter. We wrote the Attorney General a letter dated October 26, 1972, concerning this matter.

The matter of leaking information cannot be completely dismissed when it comes to Congress. It is noted that in connection with his confirmation hearings, Mr. Gray on occasion instructed that

proposed questions and answers about various matters be prepared which could be furnished to selected friendly Republican Senators. In this regard, questions which were prepared relative to Donald Segretti, as contained in a memorandum dated March 5, 1973, apparently were furnished to Senator Gurney who asked Mr. Gray a number of questions concerning the matter on the afternoon of March 7, 1973, before the Senate Judiciary Committee.

Beginning in the late Spring of 1973, a number of newspaper articles were written by New York Times reporter John Crewdson, which appeared to indicate Crewdson had access to FBI memoranda and interview reports. This possible leak has been pursued by the Inspection and Intelligence Divisions, rather than the Watergate Unit. In view of this, the Watergate Unit defers to the other two Divisions who apparently have the facts.

The Inspection Division provided the following information regarding this matter.

In connection with Item #11, pertaining to alleged leaks of Watergate investigation results to news media, Congress, or other unauthorized parties by FBI personnel, the General Investigative Division referred to a number of newspaper articles written by New York Times reporter John Crewdson commencing in the late Spring of 1973, which appeared to indicate Crewdson had access to FBI memoranda and interview

reports. The General Investigative Division pointed out this possible leak had been pursued by the Inspection and Intelligence Divisions and accordingly deferred a response to these respective Divisions.

In response, the Intelligence Division did do some research in this matter, reviewing and comparing newspaper articles with Bureau files. The results of this review were turned over to the Inspection Division (orally only).

On July 23, 1973, Director Kelley advised Assistant Director Jacobson that he had received information from then Special Prosecutor Archibald Cox to the effect that employees of his staff, during the course of interview of a subject of the Watergate investigation, namely Donald Segretti, had informed his people that John Crewdson, a reporter for the New York Times, had displayed to him a foot-high stack of FBI documents, one of which was an FBI original. Furthermore, according to Cox, Segretti identified some of these documents to his staff. Mr. Kelley instructed that an investigation be made concerning this matter of Crewdson reportedly having entre to the FBI and this is an ongoing inquiry with the Inspection Division reporting directly to the Associate Director and Director. Interviews are still being conducted on instructions of the Director. This inquiry continues on a highly selective "need-to-know" basis." Accordingly, the results of our investigation to date cannot be commented on at this time.

12. Failure to interview or inadequacy of interview with certain White House officials (Haldeman, Colson, Chapin, et cetera).²⁰

COMMENTS: In view of the extensive disclosures of the cover up of the Watergate break-in, it is easy to see why an individual not knowledgeable of investigative procedures might think that the FBI's investigation was inadequate since H. R. Haldeman was not interviewed. However, the fact is that his name never arose as being an individual who may have been involved in the break-in conspiracy or who would have information. Accordingly, he was not interviewed. It must be borne in mind that while Haldeman's name is world famous now, during the Summer of 1972 he enjoyed considerably less fame albeit considerably more power.

In regard to our investigation involving the White House, it is perhaps germane to consider a telephone conversation of July 19, 1972, between then Assistant Director Bates and Assistant Attorney General Petersen at which time WFO desired to interview John Ehrlichman. The interview of Ehrlichman was made obvious since Hunt and Liddy had worked under the general overall supervision of Ehrlichman while they were employed at the White House. Petersen told Bates that he could not see any objection to an interview of Ehrlichman but that he wanted to be sure that the FBI was not conducting a fishing expedition by interviewing

people at the White House. Petersen was assured that we were conducting only logical interviews. This, of course, is basic FBI investigative policy and an important function of the FBI supervisory staff is to make certain that useless, unproductive, fishing-type leads are not set forth in investigations.

It is noted that the Bureau has been criticized for apparent failure to extract the truth from various people we interviewed such as Colson, Chapin, Strachan, Magruder and others but the fact of the matter is that when the cover up fell apart, the entire world learned that these men were coached to lie and their testimony was rehearsed in advance. They are now being prosecuted for their false stories. It is believed that claims of inadequacy of our investigation are without merit.

13. Alleged activities on part of Department of Justice officials to limit, contain, or obstruct FBI investigation (Kleindienst, Petersen, Silbert, et cetera).²¹

COMMENTS: While there has been much testimony and discussion as OPE's source references show, we are in possession of only slight indications that Department of Justice officials limited, contained or obstructed our investigation of the Watergate break-in and conspiracy. Assistant Attorney General Petersen, as detailed in Item #9 above, did not request us to pursue Segretti's activities during 1972; however, in no way does this appear to have hampered our efforts. In fact, to have called for a massive FBI investigation of political harassment in the absence of clear-cut criminal allegations would have subjected the Department and the Bureau to extensive, and probably justified, criticism for interfering with the national elections.

An area of justifiable criticism of the Department involves the situation testified to by Kleindienst before the Senate Select Committee on August 7, 1973, that on the day of the arrests of the five initial subjects, June 17, 1972, Liddy (in the company of Powell Moore, CRP press relations man) contacted Kleindienst at Burning Tree Country Club. Liddy stated that Mitchell asked Liddy to contact Kleindienst concerning the break-in at DNCH. Liddy reported that some of the persons who were arrested might be employed by either the White House or CRP. Kleindienst

testified that he had such a relationship with Mitchell that he did not believe Mitchell would have sent a person like Liddy to come out and talk to Kleindienst about anything. While Kleindienst further testified he immediately called Assistant Attorney General Petersen instructing that those arrested should be given no treatment different than anybody who might have been arrested in similar circumstances, such a general statement clearly did not put Petersen, the prosecutors or the FBI on notice of the apparent involvement of Liddy, Mitchell and unnamed other individuals from the White House and CRP.

The FBI was not aware of Liddy's contact with Kleindienst until the above testimony over one year later. Powell Moore, when interviewed July 24, 1972, made no mention of this meeting. In spite of the foregoing, Petersen and Kleindienst said they had no evidence of high official involvement in the Watergate affair until the early morning hours of April 15, 1973, when they met with the Federal prosecutors who in turn had just learned of it from John Dean and Jeb Stuart Magruder.

It is difficult not to find fault with the failure of Kleindienst to immediately advise the Bureau of Liddy's contact with him which occurred just a few hours after the DNCH break-in. Had he done so, there is no doubt our investigative direction at CRP would have been vastly different. First, we would not have had to conduct an exhaustive investigation to identify Liddy as we had to do. Secondly, it is easy to speculate that the

successful cover up would have never gotten off the ground since we would have had reason to zero in on Mitchell and Liddy rather than to waste our time checking into McCord's security set-up and security co-workers at CRP. That investigation did not lead to involvement of any other security people and in effect, was a waste of time.

A number of individuals, namely Stans, Krogh, Colson, Chapin, Young and Strachan, were deposed rather than called before the grand jury. Petersen testified that Stans was given special consideration in that his testimony was taken outside the grand jury. Petersen defended the move as proper, if not customary, saying it was done to "avoid publicity." In the minds of some people, this may be obstructive of the grand jury's investigation. However, it is quite speculative and it is doubtful if the taking of depositions as opposed to the taking of testimony before the grand jury materially altered the results of the investigation.

In July, 1972, interviews of Jeb Magruder and Bart Porter were requested. On the late afternoon of July 17, 1972, then Assistant Director Bates received a call from Assistant Attorney General Petersen who advised that CRP attorneys Parkinson and O'Brien had called him regarding the FBI's desire to interview Porter and Magruder. These attorneys asked to talk to Petersen on July 18, 1972, concerning this and Petersen told Bates that while he had no intention of holding up

any interviews, he did feel he should talk to these attorneys prior to the interviews. On the afternoon of July 18, 1972, Petersen again contacted Bates telephonically, advised that the attorneys had canceled the meeting and we should proceed with the interviews as we desired. Both these individuals were thereafter interviewed, at which time they lied most convincingly. It is not known whether the slight delay in the interviews of these men had anything to do with their false stories.

14. Alleged attempt by CIA officials to interfere, contain or impede FBI Watergate investigation.²²

COMMENTS: One of the recurring themes orchestrated by Senator Baker of the Ervin Committee is that the DNCH break-in was a CIA operation. This is an intriguing theory but the fact remains that during the course of the investigation we did not develop evidence to indicate that CIA and/or its officials were involved in the planning or execution of the Watergate incident. We quickly suspected involvement by CIA as: 1) the cast of characters directly and indirectly involved in the Watergate included a number of former CIA employees or persons who at one time were of interest to that agency; 2) Hunt and Liddy contacted a number of CIA retirees to try to recruit them for intelligence gathering; 3) there were several CIA people whose names were in Hunt's telephone book; and 4) personnel we contacted at CIA appeared considerably less than responsive and candid in their replies to our inquiries.

Specifically, the guarded information we received in response to name checks was about as informative as were the daily newspapers; the incredible backing and filling for about two weeks in late June and early July, 1972, concerning our efforts to determine if FBI interview of Ogarrio and Dahlberg would disrupt any CIA operation certainly was suspicious. We, of course, had no knowledge at that time

of the discussions held at the White House by the President, Ehrlichman, Dean, General Walters and Mr. Gray relative to possibly having CIA pay salaries for those arrested. We also did not know of the apparent efforts by the White House to use CIA to steer us away from investigating the Ogarrio bank drafts.

Although there was extensive testimony about these activities before the Ervin Committee, we still do not know the precise rationale for that effort.

As noted earlier, the interviews of Ogarrio and Dahlberg took place on July 6, 1972, and delays in these interviews actually did not appear to alter the ultimate outcome of the Watergate investigation. However, at the time we were seeking to interview these men, we thought there was a good possibility they were involved in the DNCH break-in conspiracy.

Other delays encountered in the early stages of this investigation with regard to the interviews of individuals presently or previously affiliated with CIA are as follows:

On June 28, 1972, Mr. Gray was confidentially informed by CIA Director Helms that [REDACTED]

[REDACTED] therefore, should not be interviewed. The Field was so instructed; however, prior to the receipt of that information, [REDACTED] been interviewed resulting

in no information of value. [REDACTED] never interviewed and no reason to interview him is now known.

At the time that WFO discovered the [REDACTED]

[REDACTED] On July 7, 1972, WFO advised that the [REDACTED]

Alexandria was instructed to conduct appropriate investigation regarding [REDACTED] to develop his identity and association with Hunt and other subjects.

On July 11, 1972, our Alexandria Office advised that CIA would furnish information concerning [REDACTED] only to Acting Director Gray. On July 28, 1972 a handwritten note was personally delivered by General Walters to Mr. Gray, [REDACTED] who was in contact with Hunt during August, 1971. General Walters also [REDACTED] supplied a Uher recorder pursuant to Hunt's request; helped him get it in shape for overt, not covert, use; and there was no attempt to make the recorder useful for clandestine activities.

Aside from the above contact regarding the recorders, there were contacts with Hunt by CIA regarding false documents and disguise for himself and an associate. CIA also loaned him a clandestine camera which was returned. CIA also developed a roll of film for Hunt of which it had copies showing some unidentifiable place. Mr. Gray instructed that in view of the contents of the note, no further investigation was to be conducted.

PEA
This CIA assistance rendered to Hunt we believe had nothing to do with the Watergate matter. Rather, it appears to have been related to Hunt's activities while attached to the Plumbers Operation in the White House and is related to the break-in at the office of Dr. Fielding in September, 1971. (The Ellsberg case.)

We do not know the full scenario among the President and Messrs. Ehrlichman, Haldeman, Dean, Helms, Walters, Gray and possibly others; therefore, there is no way to evaluate the total effect, if any, of their actions and those of CIA on the results of our investigation.

15. Alleged activities on part of White House officials to limit, contain or obstruct FBI Watergate investigation (Dean, Haldeman, Ehrlichman, Colson, et cetera).²³

COMMENTS: There is absolutely no question but that the President's most senior associates at the White House conspired with great success for nine months to obstruct our investigation. It was a matter of common knowledge during the early weeks of the investigation that the FBI was receiving only lip service cooperation from White House officials such as Dean. Special Prosecutor Jaworski probably summed up the matter as succinctly as can be done in motions filed June 5, 1974, with the court relative to the pending trial of Mitchell, Haldeman, Ehrlichman, Colson, Strachan, Parkinson, and Mardian. On that occasion Mr. Jaworski attributed the success of the Watergate cover up to high level perjury in the early days of the investigation, charging that lies by Mitchell and Ehrlichman were particularly convincing. Mr. Jaworski, who is knowledgeable of our investigative activities including our frustrations, noted it was "quite natural" for FBI agents who talked to Mitchell and Ehrlichman to "assume that men of their stature would have no involvement" in the criminal activities under investigation and would be eager to tell the truth in the interest of justice.

It is also noted that in his testimony of July 11, 1973, before the Ervin Committee, Mitchell, in a colloquy with Senator Weicker,

described his motives and actions during the Watergate investigation in part as follows: "...I certainly was not about to do anything that would provide for the disclosure of it" (referring to the so-called "White House horrors," i. e. , the Plumbers activities involving Hunt, Liddy and others, which he feared would be exposed by our investigation.)

Messrs. Bates, Felt and Kunkel, when queried by the Inspection Staff in June, 1973, about the matter of White House involvement in the cover up, advised there were a number of discussions with Mr. Gray during the early investigation at which time concern over the lack of complete cooperation at the White House and CRP was voiced. Mr. Felt particularly mentioned that on a number of occasions he recommended to Mr. Gray that the President be urged to get the whole case out in the open; however, Mr. Gray told Mr. Felt he did not think an approach to the President was the proper course to pursue.

OBSERVATIONS: It appears in light of the foregoing that the dogged determination of the Special Agents who investigated and supervised this case accomplished absolutely all that could be accomplished in the face of an extremely difficult situation and with many of the high cards stacked against them. It is also of outstanding significance that the Special Prosecutor has virtually totally relied upon the same FBI investigative and supervisory staff who conducted the original Watergate investigation to handle investigations relative to the cover up.

**GENERAL COMMENTS AND OBSERVATIONS
BY THE
GENERAL INVESTIGATIVE DIVISION**

It is noted that virtually none of the above criticisms is new and comments and explanations have been submitted by the Watergate Special Matters Unit concerning most, if not all of these items, several times previously on the following occasions:

- a. Answers were given to several hundred critical questions by Mr. Gray and his staff from late Summer, 1972, to the end of that year.
- b. Many of the same questions and criticisms were made by the Senate and the news media in early 1973 during Mr. Gray's confirmation hearings and these were analyzed and answered by this Unit.
- c. Again when Mr. Ruckelshaus came on the scene in the late Spring, 1973, his staff, particularly Carl Eardley, questioned the handling of these matters and much of the same ground was plowed for Ruckelshaus.
- d. Subsequently, the Inspection Division analyzed the handling of the Watergate matter and obtained comments and explanations concerning many of the same items.
- e. Later in the Summer of 1973, the Special Prosecutor's Office requested and was furnished a massive detailing of all FBIHQ instructions issued during the entire investigation of the Democratic National Committee Headquarters DNCH) burglary.

OBSERVATIONS: As has been disclosed by the sensational revelations detailing the carefully and skillfully operated cover up, the odds were heavy against us in ever making a case against anyone other than the

five arrested subjects. The plain fact is that the performance of our agents was admirable. There was tremendous pressure on the Field and FBIHQ personnel for months. Virtually all the innumerable investigative and policy judgments which were made, often with little time for reflection, proved to be valid.

However, the activities surrounding the Watergate incident have transfixed the consciousness of the American people and the world to a degree unparalleled in political history and it was inevitable that our work would be criticized since we performed extensively at the center of the affair. It is also unavoidable that we will receive more critical comments in the future about the same events. Politicians' and media criticisms are a fact of life and we may as well realize it. There is justification for some of the criticism but actions which give rise to the criticism are attributable, in the main, to Mr. Gray and not to the professional staff of the FBI. Unfortunately for us, many people make no distinction between the FBI's actions and Mr. Gray's actions.

There is little doubt that Mr. Gray made deplorable decisions of historic proportions to: 1) allow John Dean to sit in on our interviews of White House personnel and to be the clearing house for proposed FBI investigative activities at the White House; and 2) furnish Dean the raw reports submitted by the Field which set forth in detail the

investigation conducted. It is clear, as recent evidence has shown, that these two actions by Mr. Gray made it impossible for the FBI or the Federal grand jury to break through the carefully prepared and rehearsed pack of lies given to the Agents by White House and Committee to Re-Elect the President personnel. Of course, his naivete (or his villainy, depending on your point of view) in accepting material from Hunt's White House office proffered to him by Dean and Ehrlichman, his failure to transmit that material for investigative and evidenciary evaluation and his subsequent destruction of the material, has not had a beneficial aftereffect on the FBI's reputation.

V. WATERGATE INVESTIGATION -
OPE ANALYSIS

BI
The FBI's investigation of the Watergate break-in, cover up and related matters has been one of the most extensive and intensive efforts in the Bureau's history. To date this complex investigation has involved approximately 180 separate cases which have resulted in investigative activity in 58 field offices [REDACTED] As of May 31, 1974, the Bureau had expended 83,042 agent hours and 25,514 clerical hours - a total of 108,556 man hours on these investigations. To date these investigations have resulted in 29 convictions and an additional 16 subjects have been indicted and are awaiting court disposition.

The intensity of the Bureau's Watergate investigations has been matched if not exceeded by the scrutiny to which these investigations have been subjected. Within the Bureau these cases have been afforded extremely close supervision, direction and control at the Headquarters level. Major decisions relating to policy have been decided at the Assistant Director or above level. Routine investigative activity has been reviewed and coordinated by the Watergate Special Matters Unit, Accounting and Fraud Section, General Investigative Division. Acting Directors Gray and Ruckelshaus and Director Kelley have all given personal attention to pertinent activities and developments in

these cases as they have progressed. Three committees in Congress, The Senate Judiciary, The Senate Select Committee on Presidential Campaign Activities (known as the Ervin Committee and/or the Senate Watergate Committee), and The House Judiciary Committee, have had extensive access to the results of the Bureau's investigations and in certain instances direct access to Bureau file material involving these cases. The Justice Department, the U. S. Attorney for the District of Columbia, and the Special Prosecutor's Office have been involved in the directions taken in the Bureau's inquiries and have received voluminous reports in all phases of these investigations. Finally, the news media has given the Watergate and related activities unprecedented coverage including the most extensive use of investigative reporters and confidential sources of any domestic event in the Nation's history.

The intensive interest in, and notoriety of, the Watergate matters has unalterably led to criticism of both the investigation and prosecution (or lack of prosecution) by the FBI and the Justice Department. Much of the criticism was raised during the confirmation hearings on the nomination of L. Patrick Gray III to be FBI Director, as well as during the Senate Watergate hearing. The news media has had a virtual field day in criticizing all aspects of the Watergate investigation while at the same time gratuitously claiming credit for most of the significant revelations in the case. The release of the White House transcripts

by President Nixon on April 30, 1974, added another unique aspect to the Watergate affair and resulted in further speculation regarding the Bureau's handling of its responsibilities during the course of these investigations.

In order to make a comprehensive evaluation of this entire matter OPE approached the Bureau's activities from a "devil's advocate" position. The principal sources of critical commentary were reviewed and their positions and/or allegations were documented. Thereafter, those responsible for the Bureau's activities (except former Acting Director Gray) were asked to state the rationale behind Bureau actions in each of the principal areas of criticism. OPE then carefully reviewed the various Bureau actions and rationale behind these actions in comparison with the grounds for criticism. It is our opinion that the Bureau's actions, activities and positions in each of the principal areas of criticism were sound and are thoroughly defensible within the scope of sound investigative techniques, the prevailing law and well established Department of Justice guidelines and policy. There are, however, certain of these areas where the Bureau's actions are less defensible than others. OPE perceives these areas to be as follows:

- a. The actions and activities of former Acting Director L. Patrick Gray III.
- b. The possibility of information having been leaked from FBI personnel.

- c. The alleged failure to detect an electronic "bug" in the Democratic National Committee Headquarters while conducting a search for such devices.

The actions and activities of Mr. Gray concerning the Watergate matters have been thoroughly examined within the Bureau and a full accounting has been furnished to the Special Prosecutor's Office. The commentary submitted by the General Investigative Division in Section IV, Item #10 supra, fully explores the ramifications of Mr. Gray's actions and OPE concurs in this evaluation. Since Mr. Gray's activities were completely self-initiated and in view of the fact that his actions are now being scrutinized by the Special Prosecutor and a Federal grand jury it does not seem to be either necessary or prudent to further pursue this matter at this time.

In the area of the possible leaks of information about Watergate matters, there is no doubt that certain information was leaked by Bureau personnel. The Inspection Division is conducting an inquiry into this matter and therefore OPE did not further pursue this particular aspect.

The criticism regarding the alleged failure to detect and remove an electronic "bug" from one of the telephones in the Democratic National Committee Headquarters is more difficult to deal with. In addition to the Democratic National Committee Headquarters officials and the news media, Acting U. S. Attorney Earl Silbert and Assistant

U. S. Attorney General Henry Petersen have both stated that the FBI missed the bug while conducting the search of the Democratic National Committee Headquarters on June 29, 1972. The following factors relate to this controversial matter:

- a. During interview of Alfred C. Baldwin III he admitted to monitoring telephone calls of Spencer Oliver in the Democratic National Committee Headquarters. This monitoring took place up to June 16, 1972.
- b. At the time the five subjects were arrested in the Democratic National Committee Headquarters at the Watergate, three electronic "bugs" and one transceiver were recovered, in their possession, but not on any of the telephones. None of these devices were operating on 118.9 mhz.
- c. On September 13, 1972, an electronic "bug" was found on the telephone of Spencer Oliver in the Democratic National Committee Headquarters by telephone company employees. This "bug" was inoperative, but when activated it operated within the general range that Baldwin stated he was monitoring.
- d. James McCord examined the "bug" taken from Oliver's telephone and stated it was identical to the one he placed in that location.
- e. WFO conducted an extensive investigation but was unable to establish that any other party had placed this "bug".

The Laboratory Division states that its personnel conducted a thorough sweep and the "bug" was not there. The Laboratory Division also points out that Telephone Security personnel conducted a similar search on June 17-18, 1972, and reported that "nothing unusual or out of order was detected."²⁴ Neither the Laboratory personnel nor the

Telephone Security personnel made notes or any other type of on-the-scene record of the extent of the search.

Based on the foregoing it is apparent that neither position can be positively proven. Therefore, the only realistic position that the Bureau can take is that technically competent Bureau personnel have stated that they searched this location and found no electronic device. It appears fruitless to debate the issue further.

A final point should be made at this time:

There is no question that certain acts and omissions committed by high Administration officials had a dilatory effect on certain aspects of the FBI's investigation. However, there has been no indication of other than a professional, diligent and tenacious investigative endeavor on the part of Bureau personnel. This point was brought home during the Senate confirmation hearing of former Acting Director Ruckelshaus to be Deputy Attorney General on September 12, 1973. Mr. Ruckelshaus stated that during his tenure as Acting Director "His efforts involved (1) reviewing the entire Watergate investigation by the FBI up to that point, (2) responding to requests from the grand jury through the prosecutors to pursue particular leads, and (3) following up a variety of allegations in the media of impropriety or inadequacy in the FBI's handling of the Watergate investigation. All memoranda, logs, documents, and records developed in all of those activities have been turned over

to the Special Prosecutor, who has been charged with the entire responsibility for investigating the Watergate matter, including allegations concerning the adequacy of the original investigation by the FBI. "25

Ruckelshaus further advised the Committee "I have no information in terms of the Watergate break-in that the FBI did anything other than act in a totally professional manner, in terms of following out any leads or any interviews or doing any investigation they were asked to do. This is one of the things that got the FBI agents themselves involved in some distress because they feel that they've done a very good job in what they were supposed to be doing. They acted very professionally. And I think they're right. I think they did. "26

OPE, based on the foregoing facts, also believes that the FBI has no cause to be chagrined by its total effort in the Watergate matters. The FBI's handling of these cases can be strongly defended.

APPENDIX A

CHRONOLOGY OF SIGNIFICANT WATERGATE RELATED EVENTS

October 1, 1971

James W. McCord, Jr., former FBI agent and retired CIA official, begins part-time consulting work for the Committee for the Re-Election of the President (CRP).

December 1, 1971

G. Gordon Liddy leaves his post on the Domestic Council and the White House and becomes counsel for the CRP.

January 9, 1972

McCord assumes the position of full time Security Coordinator for CRP with additional duties as Security Coordinator for the Republican National Committee.

January 27, 1972

At a meeting in the Attorney General's Office, U. S. Department of Justice, attended by John N. Mitchell, the Attorney General; Jeb Stuart Magruder, the Acting Director of the CRP; G. Gordon Liddy, counsel to the CRP; and John W. Dean III, White House Counsel, Liddy presents an intelligence plan which he proposes to be implemented for the CRP. This plan allegedly included both legal and illegal activities including electronic surveillance of various potential political opponents of the President and Democratic Party facilities. This plan was estimated by Liddy to cost approximately one million dollars and according to the testimony of both Dean and Mitchell, Mitchell turned the plan down directing that a more realistic plan be devised.

February 4, 1972

Mitchell, Dean, Liddy and Magruder again meet in the Attorney General's Office and discuss a revised intelligence proposal prepared by Liddy which is estimated to cost approximately one-half million dollars and emphasizes electronic surveillance. Mitchell is reported to have again declined to approve this particular plan.

March 1, 1972

John N. Mitchell leaves his post as Attorney General and becomes Director of the CRP.

March 22, 1972

George Gordon Liddy, after reported conflicts with Jeb Magruder, leaves his post as counsel to the CRP and assumes the post as counsel to the Financial CRP.

March 30, 1972

Another meeting is held to discuss intelligence plans for CRP as developed by Liddy. This meeting is held in Key Biscayne, Florida, and is attended by John Mitchell, Frederick C. LaRue (a former White House aide who at that time held the position of assistant to Mitchell at the CRP), and Jeb Magruder. Magruder has testified that at this meeting Mitchell approved the intelligence plan which included wiretapping and authorized a budget of \$250,000 for these projects. Mitchell has denied that he authorized the plan and LaRue has been ambiguous in his statements concerning whether or not the plan was authorized.

April 7, 1972

The Federal Election Campaign Act of 1971 became effective on this date. This Act, in addition to amending certain sections of the Criminal Code relating to Election Laws, broadened the reporting requirements regulating Federal campaign contributions.

May 1, 1972

Alfred C. Baldwin III was offered a position with the CRP by James McCord who identified himself as the Security Coordinator for the CRP. Baldwin accepted this offer and on May 2, 1972, traveled to Washington, D. C., where he undertook certain security related assignments at the direction of McCord.

May 22, 1972

Bernard L. Barker, Eugenio Martinez, Virgilio Gonzalez, Frank A. Sturgis, Renaldo Pico, and Felipe DeDiego arrive in Washington, D. C., from Miami and register at the Manger Hamilton Hotel and begin a series of meetings with E. Howard Hunt, G. Gordon Liddy and James McCord.

May 25, 1972

Hunt and Gonzalez attempted an entry to the Democratic National Committee Headquarters in the Watergate Office Building complex, but were unsuccessful in their entry attempt.

May 27, 1972

A second break-in attempt is made at the Democratic National Committee offices but entry is not successfully completed.

May 28, 1972

A successful entry is made into the Democratic National Committee Headquarters on the sixth floor of the Watergate Office Building complex. James McCord states that he placed electronic listening devices on the telephones of Spencer Oliver and Lawrence O'Brien. At the same time the members of the Barker group from Miami were taking photographs of various documents which they were able to obtain in the Democratic National Committee office space.

May 29, 1972

Baldwin began monitoring the telephone conversations of Spencer Oliver on communications equipment furnished by James McCord and upon instructions of McCord prepared a log of the conversations intercepted.

June 9, 1972

According to the testimony of Jeb Stuart Magruder on this date he gave John Mitchell the wiretap logs which he, Magruder, had obtained from Liddy. These transcripts were under the code name "Gemstone". He allegedly provided to Mitchell photographs that had been taken inside of the Democratic National Committee Headquarters. Mitchell has vehemently denied the truth of this statement by Magruder.

June 17, 1972

At approximately 2:30 a. m. James McCord and four of the Cuban-Americans, Barker, Sturgis, Gonzalez and Martinez, are captured inside the Democratic National Committee Headquarters office by the Washington Metropolitan Police Department. Found in the possession

of these subjects was photographic equipment, burglary tools, electronic equipment and what appeared to the police at that time to be an explosive device. All of the subjects were using aliases at this time and refused to be interviewed and to state for whom they were working and for what purpose they were in the building.

WFO was advised of the arrest of five men in the Democratic National Committee Headquarters at the Watergate and it was indicated that they appeared to have been attempting to place a bomb in it. Special Agents were dispatched immediately to the police station where the evidence and the subjects had been taken. Upon arrival the agents were advised that the explosive device was in fact an electronic listening device. Based upon this determination the Bureau entered the case to determine if a violation of the Interception of Communications Statutes had occurred. Bureau agents assisted the Metropolitan Police Department in obtaining search warrants for two rooms in the Watergate Hotel based upon probable cause established by the possession of the keys to these rooms by the subjects. Located during the search of these rooms was a check imprinted with the name E. Howard Hunt. An immediate check of WFO indices determined that Hunt had been the subject of a special inquiry for the White House and the file indicated he had been employed by the White House as of July 1971. Immediately thereafter agents proceeded to Hunt's residence in Potomac, Maryland, and attempted to interview him. But he refused to discuss the case other than acknowledging that the check found by the agents was in fact his.

June 17, 1972

G. Gordon Liddy and Powell A. Moore, an official of CRP, contacted Attorney General Richard G. Kleindienst at the Burning Tree Golf Club. Liddy advised Kleindienst that Mitchell had asked him to contact Kleindienst concerning the break-in at the Democratic National Committee Headquarters. Liddy stated that some of the persons who were arrested might be employed by either the White House or the CRP and wanted to see if Kleindienst could effect their release. Kleindienst has stated that he promptly dismissed these men and immediately thereafter contacted Assistant Attorney General Henry Petersen and instructed that those arrested at the Democratic National Committee Headquarters should receive no different treatment than any other person arrested in a similar circumstance.

June 18, 1972

Continuing investigation by WFO agents and the Metropolitan Police Department resulted in the identification of the five arrested subjects and determination that McCord and Barker had CIA ties.

June 19, 1972

Assistant United States Attorney Earl Silbert of the District of Columbia advised that he was assuming prosecutive jurisdiction of this case upon specific instructions of the Justice Department and the United States Attorney. He advised that the Department wanted an intensive, thorough investigation regarding the five arrested subjects and any other persons who might be involved in view of the apparent violation of the Interception of Communications Statutes.

June 19, 1972

Information was received that a room in the Howard Johnson Motel immediately across the street from the Watergate Office complex had been utilized by James McCord and others. Investigation determined that James McCord had rented a room in this motel in the name of McCord Associates. Telephone toll calls made from this room led Bureau agents to the identification of Alfred C. Baldwin III and a determination that he is a former Special Agent of the Federal Bureau of Investigation. Baldwin was identified by personnel of the motel as a person they had seen frequently in the room rented by McCord.

June 19, 1972

According to testimony he gave at a later date before the Senate Watergate Committee, John W. Dean III stated that on this date or possibly the following day he told Attorney General Kleindienst that "this matter could lead directly to the White House." Assistant Attorney General Petersen was called in and advised of the same information. Dean further stated that he got the impression that Petersen "realized the problems a wide open investigation of the White House might create in an election year."

June 21, 1972

John D. Ehrlichman, Assistant to the President for Domestic Affairs, contacted L. Patrick Gray III, Acting Director of the FBI, and

instructed Gray to deal directly with John W. Dean III on Watergate matter investigations concerning any White House activities or personnel.

June 22, 1972

John Dean, White House Counsel, informed Acting Director Gray that he would sit in on all FBI interviews of White House personnel.

June 22, 1972

WFO agents interview Charles Colson, Special Counsel to the President, in the presence of John Dean. During the interview Colson stated he believed that E. Howard Hunt had worked on the third floor of the White House. The interviewing agents asked Mr. Dean if they could accompany Dean to Hunt's office to determine if Hunt had left anything there. Dean indicated that this was the first that he was aware of this office and that the White House would provide the FBI with any contents belonging to Hunt.

June 23, 1972

Acting Director Gray meets with John Dean and indicates that he will hold off authorizing Bureau agents interviewing Manuel Ogarrio, a Mexican attorney through whose bank account funds had been funneled to the Barker group who took part in the Watergate burglary. Gray states that this was done at Dean's request that the Bureau not expose CIA sources in connection with the movement of funds connected to the CRP through Mexican channels.

June 26, 1972

On two separate occasions during this day John Dean and his assistant, Fred Fielding, gave WFO agents two boxes containing material and personal effects from E. Howard Hunt's office in the White House.

June 28, 1972

Acting Director Gray contacts John Dean and advises him that he has scheduled a meeting with CIA Director Helms in order to straighten out the Mexican money channel to determine if there is any CIA involvement so that Bureau agents may proceed with logical investigation in this area. Gray states that Ehrlichman called him that same date and told him to cancel the meeting because it wasn't necessary. Gray stated that he complied with this request.

June 28, 1972

Acting Director Gray meets with John Dean and John Ehrlichman in Ehrlichman's White House office. At this time Dean gives to Gray two files which he states came from Howard Hunt's safe. According to later testimony of Mr. Gray, Dean stated that these two files contained "political dynamite" and "should never see the light of day."

June 29, 1972

On this day and the following day technically trained agents of the FBI Laboratory completed a security survey of the Democratic National Committee Headquarters and the Watergate Office Building with negative results. No additional electronic surveillance equipment was located during the survey.

July 6, 1972

Acting Director Gray met with General Walters, Deputy Director of the CIA, at which time Walters delivered a memorandum stating that the CIA had no interest in Ogarrio or Dahlberg. Gray states that after receiving this memorandum he ordered the interviews of Ogarrio and Dahlberg to be conducted. Gray further states that on this day he was contacted by the President on a separate matter but took the occasion to warn the President of his concern about the Watergate investigation. Gray stated that he told the President that he and General Walters felt that people on the President's staff were trying to mortally wound the President by using the CIA and FBI and by confusing the question of CIA interest in, or not in, people the FBI wished to interview. Gray stated that the President advised him to continue to conduct an aggressive and thorough investigation.

July 10, 1972

Alfred C. Baldwin III made a statement to Bureau agents and Assistant U. S. Attorneys implicating himself in the monitoring of electronically intercepted telephone conversations on the telephone of Spencer Oliver in the Democratic National Headquarters at the Watergate Building. Baldwin indicated he was working directly for James McCord and had also had direct contact with E. Howard Hunt and G. Gordon Liddy during the course of the electronic interception and break-in at Democratic National Committee Headquarters. Baldwin indicated that both Hunt and

Liddy were on the scene in the immediate vicinity of the break-in on June 17, 1972, but both had escaped detection at that point. Baldwin's statement provided the first direct proof of the involvement of Hunt and Liddy in the Watergate break-in and wiretapping.

July 21, 1972

Acting Director Gray starts sending FBI file material including FD-302 interview reports to John Dean at the White House without clearing the reports through the Attorney General. On the prior day Dwight Dalbey, Assistant Director, Office of Legal Counsel, had submitted a memorandum to Mr. Gray indicating that FBI records are in the custody of the Attorney General and technically may not be released from the Department without his consent. Dalbey stated that the authority and obligation of the FBI are to keep the Attorney General informed and what ever other action the Attorney General decided would rest with him.

September 7, 1972

Mr. Lawrence O'Brien, Chairman of the Democratic National Committee, states that he has evidence that his personal office telephone was tapped for several weeks before the June 17, 1972, break-in. He states that his office was broken in during May 1972 and indicated that he was a victim of a Republican sponsored invasion.

September 13, 1972

On this date an electronic device was found on the telephone of Spencer Oliver in the Democratic National Committee Headquarters in the Watergate Office Building. This electronic device was found by telephone company security employees after a complaint by personnel of the Democratic National Committee. WFO agents and FBI Laboratory personnel launched an investigation into this additional wiretapping equipment.

September 15, 1972

A Federal Grand Jury in Washington, D. C., returns a multi-count indictment against the five subjects found inside the Democratic National Committee Headquarters at Watergate and additionally charges E. Howard Hunt and G. Gordon Liddy with Conspiracy, Interception of Communications and Burglary. After the return of the indictments J. W.

Hushen, Director of Public Information at the Justice Department, makes a public statement that the indictments have ended the investigation and "we have absolutely no evidence to indicate that any others should be charged." (It should be noted that at this time both the WFO and the Federal Grand Jury were still working on numerous outstanding investigative matters and there was no indication that the Bureau's investigation was to cease at this point.)

September 16, 1972

Attorney General Kleindienst issues a statement setting forth that the investigation by the FBI and USA's Office in the District of Columbia is one of the most intensive, objective and thorough investigations that has been undertaken by the Justice Department in several years. Assistant Attorney General Petersen also issues a statement saying that allegations that a whitewash has been involved in the investigation are completely untrue. Petersen issued statistics indicating that 333 agents from 51 field offices have worked 1,897 leads, conducted 1,551 interviews and expended 14,098 man hours in conducting this investigation and in addition the Federal Grand Jury has met for a total of 125 hours and examined 50 witnesses.

December 7, 1972

In newspaper accounts Kathleen Chenow, a White House secretary, confirms the existence of a "Plumbers Unit" in the White House as an internal investigative unit. She stated that its members were David R. Young, G. Gordon Liddy, E. Howard Hunt, and Egil Krogh. She states that the unit was investigating leaks to the news media.

December 8, 1972

In Chicago, Illinois, a United Airlines jet crashes killing Dorothy Hunt, the wife of E. Howard Hunt. FBI agents at the scene recover \$10,000 in one hundred dollar bills found in the pocket book of Mrs. Hunt.

January 8, 1973

In U. S. District Court, Washington, D. C., before Chief Judge John Sirica the trial of the seven indicted Watergate break-in subjects begins.

January 11, 1973

Senator Sam J. Ervin (D-NC) is picked to head a Senate investigation of Watergate related matters in the Presidential election campaign of 1972.

January 15, 1973

Four of the Watergate break-in defendants, Barker, Gonzalez, Martinez and Sturgis, enter guilty pleas to all seven counts of the Watergate break-in indictment. E. Howard Hunt has previously on January 11, 1973, plead guilty to all counts of the indictment charging him with complicity in the Watergate break-in and wiretapping matters.

January 17, 1973

During the trial of the seven defendants in the Watergate break-in case the court goes into closed session where Alfred Baldwin testified that he monitored approximately 200 conversations on this wiretap and gave daily logs to James McCord.

January 30, 1973

In the Federal trial of the remaining Watergate break-in defendants, James McCord and G. Gordon Liddy, the jury returns a guilty verdict on all counts.

February 7, 1973

The United States Senate votes to establish a select committee for the investigation of the Presidential election campaign of 1972. The committee is to be composed of four Democrats and three Republicans.

February 17, 1973

Mr. L. Patrick Gray III is nominated by President Nixon to be permanent Director of the FBI. His nomination is sent to the Senate Judiciary Committee for consideration.

February 28, 1973

During confirmation hearings before the Senate Judiciary Committee Acting Director Gray acknowledges that he has shown John Dean, White House Counsel, FBI files relating to the Watergate Investigation. Mr. Gray also offers to open the FBI investigative files on this investigation to Senators who wish to see them.

March 13, 1973

Mr. Gray supplies the Senate Judiciary Committee with a memorandum showing that he had met with or talked to John Dean on 33 occasions between June and September 1972 relating to the Watergate investigation. Mr. Gray had previously, on March 7, 1973, advised this Committee that he had provided John Dean with 82 FBI investigative reports relating to the Watergate matter.

March 19, 1973

Judge John Sirica receives a letter from James McCord charging that he and other Watergate defendants were under political pressure to plead guilty and remain silent. He also intimates that perjury was committed at the trial and that higher-ups were involved in the break-in and that there is a cover up of the entire Watergate investigation being conducted.

March 20, 1973

Acting Director Gray informed the Senate Judiciary Committee that he had received orders from Attorney General Kleindienst to refuse to answer further questions regarding the FBI's investigation of the Watergate or other ongoing investigative activities.

March 22, 1973

During questioning by Senator Robert C. Byrd (D-W. Va.), Mr. Gray acknowledges that John Dean probably lied to FBI agents investigating the Watergate matter when he told them on June 22, 1972, that he did not know if Hunt had an office in the White House.

April 5, 1973

President Nixon withdraws L. Patrick Gray's nomination to be Director of the FBI.

April 27, 1973

L. Patrick Gray resigns as Acting Director of the FBI. Mr. Gray issues a statement indicating that certain serious allegations concerning his actions during the ongoing Watergate investigation are now a matter of public record and as a consequence he would tender his

immediate resignation as Acting Director of the FBI. There have been previous newspaper accounts indicating that Mr. Gray had received certain documents from the White House safe of E. Howard Hunt directly from John Dean and that he had withheld these files and later destroyed them.

April 27, 1973

William D. Ruckelshaus is appointed by President Nixon as Acting Director of the FBI to replace Mr. Gray. Mr. Ruckelshaus states that he does not expect to be in this position longer than two months.

April 30, 1973

President Nixon announced the resignation of H. R. Haldeman, White House Chief of Staff; John D. Ehrlichman, Chief Counselor for Domestic Affairs; John W. Dean, Presidential Counsel and Attorney General Kleindienst. At the same time the President announced the nomination of Elliott L. Richardson as Attorney General and General Alexander Haig as the new White House Chief of Staff. The President indicated that the new Attorney General (Richardson) would have full charge of the Administration's Watergate investigations and would have authority to appoint a Special Prosecutor in the case.

May 17, 1973

The Senate Select Committee on the Investigation of the Presidential Election Campaign of 1972, under the Chairmanship of Senator Sam Ervin, begins public hearings. Senator Howard H. Baker, Jr. (R-Tenn.) is the Co-Chairman.

May 18, 1973

Attorney General Designate Elliott Richardson names former Solicitor General Archibald Cox, a Harvard Professor, as Special Prosecutor in the Justice Department to probe and prosecute the Watergate and related investigations.

May 22, 1973

Acting Director Ruckelshaus instructed that an analysis be prepared concerning allegations indicating possible involvement of former Acting Director L. Patrick Gray in the cover up or use of action to delay or impede the FBI investigation of the Watergate. This project was assigned to the Inspection Division.

May 30, 1973

John Ehrlichman, former Assistant to the President, tells a Senate Subcommittee investigating the CIA involvement in the Watergate case and the Pentagon papers that President Nixon was aware of the FBI investigation into Mexican aspects of the break-in within six days after it occurred and had instructed him (Ehrlichman) and Haldeman to have the CIA "curb the FBI probe".

June 7, 1973

Acting Director Ruckelshaus submits a document to Archibald Cox, Special Prosecuting Attorney, U. S. Justice Department, setting forth a precise record on the FBI's activities at the initial stages of the Watergate investigation. This document, which was prepared by the Inspection Division, in conjunction with the Special Watergate Matters Unit of the General Investigative Division, former Assistant Director Charles W. Bates and Acting Associate Director W. Mark Felt, is 26 pages in length and has six memoranda as enclosures which further specify the exact activities which occurred at the outset of the Watergate investigation.

June 25, 1973

John Dean, former White House Counsel, testified concerning his role in the cover up of the Watergate investigation and the role of several other administration officials. Dean indicated that the President was aware of the cover up as early as September 1972. John Dean's testimony before the Senate Watergate Committee continued for three more days until June 28, 1973.

June 26, 1973

The Inspection Division, in conjunction with the General Investigative Division, the Press Services Office and the Office of Legal Counsel, completed its analysis of the possible involvement by L. Patrick Gray in illegal and/or improper activities to impede or delay the FBI's investigation of the Watergate matter. This analysis was furnished to Acting Director Ruckelshaus. (This analysis was also furnished to the Office of the Special Prosecutor on April 10, 1974.)

July 9, 1973

Mr. Clarence M. Kelley is sworn in as Director of the Federal Bureau of Investigation replacing William D. Ruckelshaus. After leaving the FBI as Acting Director, Mr. Ruckelshaus is appointed Deputy Attorney General.

July 16, 1973

Alexander P. Butterfield, Administrator of the Federal Aviation Administration and a former White House Aide, advised the Senate Watergate Committee that all of President Nixon's conversations in the White House and Executive Office Building were recorded beginning in the Spring of 1971 by concealed microphones and telephone bugs. Butterfield stated that the listening devices were installed under President Nixon's authority for "posterity's sake".

October 10, 1973

Vice President Spiro Agnew resigned after pleading nolo contendere to a charge of Federal income tax evasion. Vice President Agnew's resignation had no connection with the Watergate investigation.

October 19, 1973

John W. Dean III enters a guilty plea to one count Conspiracy to Obstruct Justice for his role in the Watergate investigation cover up. In exchange for an agreement to further testify Special Prosecutor Cox granted Dean immunity from prosecution for other Watergate crimes.

October 20, 1973

The White House announced that President Nixon had ordered Attorney General Elliott L. Richardson to dismiss Special Prosecutor Archibald Cox; that Richardson had resigned rather than comply with that

order and that Deputy Attorney General William D. Ruckelshaus, who had also refused the President's order, had been fired. The White House stated that Solicitor General Robert H. Bork had become the Acting Attorney General and had dismissed Special Prosecutor Cox and dissolved the Office of the Special Prosecutor.

November 1, 1973

President Nixon names Senator William B. Saxbe of Ohio to be Attorney General and Leon Jaworski, a Houston attorney, as the new Special Prosecutor.

November 5, 1973

In a hearing in U. S. District Court, Washington, D. C., on a motion to withdraw guilty pleas by five of the original seven Watergate defendants, a member of the Special Prosecutor's Office revealed that John W. Dean, former White House Counsel, had admitted to destroying two notebooks that had been taken from the White House safe of E. Howard Hunt, two days after the Watergate break-in. Previously Dean had stated that all of the material had either been furnished to FBI agents or to Acting Director Gray. Dean also had not made an admission to retaining and later destroying these notebooks during his testimony before the Senate Watergate Committee. Dean had told the Special Prosecutor's Office that he found the notebooks while going through White House file materials in January 1973. Dean claimed that the notebooks contained names and addresses of people connected with the Watergate break-in and related crimes.

November 21, 1973

White House Special Counsel J. Fred Buzhardt advised U. S. District Judge John Sirica that an eighteen and one-half minute section of a White House tape recorded on June 20, 1972, of conversations between President Nixon and his former Chief of Staff, H. R. Haldeman, was blank and contained no audible tones. Judge Sirica ordered the White House to turn the remaining portion of that tape and others that had been subpoenaed over to the court by November 26, 1973.

December 20, 1973

House Judiciary Committee Chairman Peter W. Rodino (D-NJ), announced the selection of John M. Doar, former Assistant Attorney General in the Administration of President Kennedy as Special Counsel to the House Judiciary Committee for the purpose of conducting an inquiry into possible impeachment grounds against President Nixon.

February 6, 1974

The House of Representatives, U. S. Congress, votes approval for the House Judiciary Committee to conduct an impeachment investigation and grant powers of subpoena and funds for this inquiry.

February 19, 1974

The Senate Watergate Committee ended its public hearings into the Presidential election campaign practices of 1972. Committee Chairman Sam Ervin stated that it was now up to the House Judiciary Committee and the courts to carry on the Watergate investigations that his Committee had begun.

March 1, 1974

A Federal Grand Jury in Washington, D. C., indicted seven former officials of the White House or the President's Re-Election Committee for conspiring to impede the investigation of the Watergate break-in at the Democratic National Headquarters. The seven indicted include former Attorney General John Mitchell, former Presidential Chief of Staff H. R. Haldeman, former Assistant to the President for Domestic Affairs John D. Ehrlichman, former Special Counsel to the President Charles W. Colson, former Assistant Attorney General Robert C. Mardian, former attorney for the Committee to Re-Elect the President Kenneth W. Parkinson and former Assistant to H. R. Haldeman at the White House Gordon Strachan.

April 10, 1974

The Bureau forwarded to the Special Prosecutor's Office a letter enclosing 33 documents and/or internal Bureau memoranda dealing with possible violations of law by former Acting Director L. Patrick Gray III. Included in the enclosures was a June 26, 1973, memorandum from Inspector James J. O'Connor to Mr. Jacobson setting forth the results of the Bureau's internal review regarding possible impediment or obstruction of the Watergate investigation by former Acting Director Gray.

April 30, 1974

President Nixon transmits to the House Judiciary Committee and releases to the public 1,308 pages of edited transcripts from recordings taken in the White House relating to Watergate matters. The

President states that these transcripts will answer all inquiries regarding his activities in relation to the Watergate matter and will provide the public and the House Judiciary Committee with the answer to the basic question at issue "Whether the President personally acted improperly in the Watergate matter?"

APPENDIX B
BIOGRAPHICAL SKETCH
OF
MOST SIGNIFICANT SUBJECTS

1. BERNARD L. BARKER

One of the five subjects arrested in the Democratic Party National Headquarters, Watergate Office Building, June 17, 1972. Barker is the President of Barker Associates, Inc., Miami, a real estate firm. He was born in Havana, Cuba, March 17, 1917, of American parents. He is reported/

b1 [REDACTED] -Barker was utilized to recruit other Cuban-Americans to participate in the Watergate burglaries and his company bank accounts were utilized as a conduit for funds which were utilized in the activities of the Watergate burglars.

Prosecutive Action

Barker was indicted by a Federal Grand Jury on September 15, 1972, on one count of Interception of Communications and one count of Conspiracy as well as two counts of violation of the District of Columbia Code. On January 15, 1973, Barker plead guilty and on November 9, 1973, he was sentenced to an indefinite term of from 18 months to 6 years in Federal custody.

2. DWIGHT L. CHAPIN

Former Appointments Secretary to President Nixon, Chapin was a close associate of H. R. Haldeman and worked for Haldeman at the J. Walter Thompson Advertising Agency in Los Angeles, California, prior to coming to the White House in 1969. Chapin resigned his post at the White House on February 28, 1973, and returned to the business world.

Prosecutive Action

On November 29, 1973, Chapin was indicted on four counts of making false statements before a Federal Grand Jury. On April 5, 1974, he was convicted on two counts and was sentenced May 15, 1974, to 10 to 30 months in Federal custody. Chapin is presently free during appeal.

3. CHARLES W. COLSON

Former Special Counsel to President Nixon from late 1969 until February 1973, Colson was in charge of special projects and liaison with outside groups. He is prominently mentioned in the White House tapes as being a hard-nose trouble-shooter. Colson brought E. Howard Hunt to the White House as a consultant. Colson was questioned several times by Bureau agents during the immediate aftermath of the Watergate burglary and while answering questions was generally extremely guarded in his comments and not fully cooperative.

Prosecutive Action

On March 1, 1974, Colson was indicted on one count of Conspiracy to Obstruct Justice and one count of Obstruction of Justice in connection with the cover up of the Watergate burglary matters. These charges were dropped after Colson plead guilty in the Ellsberg case on June 3, 1974. Colson was indicted on March 7, 1974, on one count of Conspiracy to violate the civil rights of Dr. Fielding, the psychiatrist to Dr. Ellsberg. This charge was also dropped on June 3, 1974, when Colson plead guilty to another charge, that of Obstruction of Justice in the Ellsberg investigation and trial.

4. JOHN W. DEAN III

Former Chief Counsel to the President and Deputy Associate Attorney General of the United States, Dean, aged 35, was the President's Counsel from July 1970 until April 30, 1973. Dean was the liaison representative of the White House with the Bureau during the Watergate investigation and received written reports from former Acting Director L. Patrick Gray. In addition Dean sat in all interviews of White House employees conducted by the Bureau. It was alleged and Dean has confirmed that he withheld certain documents from the safe of E. Howard Hunt located in the White House and later turned over certain of these documents to Mr. Gray for destruction. He also has acknowledged that he himself retained certain of these documents and later destroyed them himself. Dean has been a principal witness against President Nixon and is to date the only individual with first hand knowledge who has accused the President of any illegal activities. In addition to Mr. Gray, Dean also dealt with Assistant Attorney General Henry Petersen and former Attorney General Kleindienst in matters relating to the White House involvement in the Watergate case.

Prosecutive Action

Dean was indicted by a Federal Grand Jury on one count of Conspiracy to Obstruct Justice. On November 30, 1973, he plead guilty to this charge. Sentencing is being held in abeyance.

5. JOHN D. EHRLICHMAN

Ehrlichman served as Chief Counsel to the President and later as Assistant to the President for Domestic Affairs. Ehrlichman, aged 49, was a classmate of former White House Chief of Staff, H. R. "Bob" Haldeman at UCLA in the late 1940's. Ehrlichman served in President Nixon's unsuccessful presidential campaign in 1960 and in 1968 Ehrlichman served as the Tour Director for the Nixon campaign. He came to the White House immediately after the inauguration in 1969 as White House Counsel which position he held until being made Assistant to the President for Domestic Affairs. Ehrlichman established the in-house investigative unit officially titled "The White House Special Investigations Unit," later to be known as the "Plumbers". One of Ehrlichman's principal assistants on the Domestic Council, Egil Krogh, Jr., was installed by Ehrlichman as the head of the "Plumbers Unit". Ehrlichman is alleged to have approved the office burglary of Dr. Fielding, the psychiatrist to Daniel Ellsberg. Ehrlichman resigned on April 30, 1973, at the same time that the President fired John Dean and also accepted the resignation of H. R. Haldeman.

Prosecutive Action

Ehrlichman was indicted by a Federal Grand Jury on March 1, 1974, on one count of Conspiracy to Obstruct Justice, one count of making a false statement to the FBI, two counts of making false statements to a Grand Jury and one count of Obstruction of Justice. Ehrlichman plead not guilty to all counts of the indictment on March 7, 1974.

6. VIRGILIO RAMON GONZALEZ

One of the five individuals who were arrested inside the Democratic Party National Headquarters at the Watergate Office Building on June 17, 1972. Gonzalez is a locksmith by trade, living and working in the Miami, Florida, area. A native of Cuba and reportedly a former member of the Cuban Secret Service, Gonzalez entered the United States as a permanent resident in 1954 and was naturalized in 1972. It has been alleged that Gonzalez was formerly associated with the CIA but this allegation has been denied by the CIA.

Prosecutive Action

Gonzalez was indicted by a Federal Grand Jury on September 15, 1972, for Conspiracy and Interception of Communications as well as burglary and other violations of the District of Columbia Code. Gonzalez plead guilty on January 15, 1973, and on November 9, 1973, was sentenced to from one to six years in the custody of the Attorney General.

7. HARRY ROBBINS (BOB) HALDEMAN

Former Chief of Staff at the White House and generally reported to be the most influential of the President's advisors, Haldeman was an advanceman in the President's 1960 presidential campaign and Chief of Staff in the President's 1968 campaign. He came to the White House as Chief of Staff immediately after the 1968 inaugural and remained in that position until April 30, 1973, when he resigned simultaneous with John Ehrlichman and Attorney General Kleindienst. Haldeman is 47 years of age and was employed as a Vice President with the J. Walter Thompson Advertising Agency in Los Angeles prior to assuming his duties with President Nixon.

Prosecutive Action

Haldeman was indicted on March 1, 1974, on one count of Conspiracy to Obstruct Justice, one count of Obstruction of Justice, and three counts of Perjury. Haldeman entered not guilty pleas to all counts of the indictment on March 9, 1974.

8. GEORGE A. HEARING

A Tampa, Florida, accountant who was indicted by a Federal Grand Jury in Tampa along with Donald Segretti on charges of printing and conspiring to distribute a bogus letter during the 1972 presidential campaign.

Prosecutive Action

Indicted by a Federal Grand Jury, Tampa, Florida, May 4, 1973, on counts of fabricating and distributing illegal campaign literature. Plead guilty on May 11, 1973, and sentenced on June 15, 1973, to one year in the custody of the Attorney General. The count on conspiracy was dismissed at this time.

9. E. HOWARD HUNT, JR.

Born October 9, 1918, in Hamburg, New York. A former employee of the CIA having retired from the Agency in 1970 after more than 20 years of service, Hunt was employed on a parttime consultant basis with the White House through the auspices of Charles Colson, Special Counsel to the President. Hunt's involvement with the five subjects found inside the Watergate complex was established shortly after the subjects were arrested. It was established that Hunt had assembled the Cuban-American members of the burglary team who had prior CIA contacts with Hunt. Hunt was uncooperative with the Bureau agents when interviewed and gave no information which assisted in the solution of this case. Hunt's activities at the White House involved several other very sensitive matters including the ITT affair with specific assignments relating to Dita Beard, the Ellsberg case, and the collection of intelligence information regarding Senator Edward Kennedy of Massachusetts. Very sensitive information regarding these activities held in Hunt's safe in the Executive Office Building were the cause of John Dean requesting former Acting Director Gray to assume custody of this material and allegedly stating it should never see the light of day. Hunt is alleged to have demanded substantial funds from the Committee to Re-Elect the President and the White House in order to maintain silence in regard to his activities. Hunt's wife died on December 8, 1972, in an aircraft crash in Chicago. Bureau agents recovered \$10,000 in one hundred dollar bills in Mrs. Hunt's purse at the time of the crash.

Prosecutive Action

On September 15, 1972, Hunt was indicted by a Federal Grand Jury in Washington, D. C., on charges of Interception of Communications, Conspiracy and Burglary. On January 11, 1973, Hunt plead guilty to all counts and on November 9, 1973, received a sentence of from 30 months to eight years in the custody of the Attorney General and a \$10,000 fine. Hunt is presently free on bond appealing his sentence in this case.

10. HERBERT W. KALMBACH

Formerly the personal attorney for President Nixon and a partner in the Los Angeles law firm of Kalmbach, De Marco, Knapp and Chillingsworth, Kalmbach is also a long time associate of Robert H. Finch, former Lt. Governor of California and former Secretary of the Department of Health, Education and Welfare.

Kalmbach was born October 19, 1921, in Ft. Huron, Michigan, and graduated from the University of Southern California Law School. Kalmbach was the Associate Finance Chairman of the 1968 Nixon presidential campaign and worked directly for Maurice Stans. Kalmbach also worked as a fund raiser for the President's re-election prior to the official establishment of the Committee to Re-Elect the President. Kalmbach's primary involvement in the Watergate affair appears to have been obstruction of justice through the providing of money to be used to silence the seven original defendants. He also provided money to Donald Segretti which was used in illegal campaign activities.

Prosecutive Action

An information was filed in Federal Court, District of Columbia, on February 25, 1974, charging violations of the Federal corrupt practices act and a misdemeanor count of promising an Ambassadorship in return for a campaign contribution. Kalmbach entered a guilty plea to these counts on February 25, 1974.

11. EGIL E. KROGH, JR.

Krogh joined the White House in May 1969 as an Aide to then Presidential Counsel John D. Ehrlichman. Krogh had previously worked for Ehrlichman in a law firm in Seattle, Washington. Krogh also worked on the Domestic Council of the White House and was involved in such projects as transportation, narcotics control, corrections and legal services. Krogh was placed in direct charge of the White House Investigations Unit responsible for the investigation of the leak in the Pentagon Papers matter and later publicly accepted full responsibility for the burglary of Daniel Ellsberg's psychiatrist's office by members of the White House "Plumbers" group. At the time that Krogh acknowledged his responsibility for the burglary he was employed as Under Secretary of Transportation, a post from which he resigned on May 9, 1973.

Prosecutive Action

On November 30, 1973, Krogh entered a guilty plea to one count of violating the civil rights of Dr. Lewis Fielding, Daniel Ellsberg's psychiatrist, in the September 3-4, 1971, break-in at Fielding's office. Krogh was sentenced on January 24, 1974, to serve six months of a two to six year term in the custody of the Attorney General.

12. FREDERICK C. LA RUE

A Jackson, Mississippi, businessman who came to Washington in 1969 as a Special Assistant to the President. After the formation of the Committee to Re-Elect the President LaRue transferred to this Committee and was an assistant to John Mitchell. In his statement before the Senate Watergate Committee on July 18, 1973, LaRue admitted that he participated in the Watergate cover up including helping to deliver cash intended for the seven defendants in the Watergate burglary trial. LaRue was present at the March 30, 1972, meeting in Key Biscayne, Florida, where John Mitchell, Jeb Stuart Magruder, G. Gordon Liddy and LaRue discussed intelligence plans for the Committee to Re-Elect the President, during which time Jeb Magruder has stated Mitchell approved Liddy's plan for electronic surveillance coverage of the Democratic National Committee as well as other illicit campaign tactics. LaRue has also admitted that he transferred \$210,000 of the Committee to Re-Elect the President's money to William O. Bittman, a lawyer for E. Howard Hunt, Jr., one of the seven original defendants. It was La Rue's understanding that Bittman would disburse the money to various defendants in the Watergate case and their lawyers. Bittman stated that the money was distributed according to directions he received from John Dean.

Prosecutive Action

On June 27, 1973, LaRue plead guilty to one count of Conspiracy to Obstruct Justice. Sentencing on this plea has been deferred.

13. GEORGE GORDON LIDDY

A former FBI agent from September 1957 to September 1962 who was also employed as an Assistant District Attorney in New York State and as a Special Assistant to the Secretary of the Treasury for Law Enforcement Matters. He served from July to December 1971 as a Special Assistant on the Domestic Council in the White House. Liddy left the White House in December 1971 to go to the Committee to Re-Elect the President in which he served as Legal Counsel and later as Legal Counsel to the Finance Committee. Liddy was the prime mover in the scheme to electronically monitor the Democratic National Committee Headquarters at the Watergate. He devised the original plans and together with E. Howard Hunt assembled the team which eventually carried out the Watergate burglary and wiretapping. Liddy personally presented his intelligence schemes to former Attorney General John Mitchell who is alleged by John Dean to have approved Liddy's operations including

the wiretapping of the Democratic National Committee. Mitchell denies authorizing the Liddy plan but does not deny that it was discussed with him. Throughout the entire course of the Watergate investigations and trials Liddy has refused to cooperate not only with the FBI but with the Special Prosecutor, the courts, and Congressional Committees.

Prosecutive Action

In the Watergate burglary and wiretapping matter, Liddy was indicted by a Federal Grand Jury on September 15, 1972, on four counts including Interception of Communications, Conspiracy and Burglary. Liddy was found guilty on all counts at a trial which concluded on January 30, 1973. On March 23, 1973, he was sentenced to serve from six years eight months to no more than twenty years and a \$40,000 fine. In regard to the Daniel Ellsberg case, Liddy was indicted on March 7, 1974, on one count of conspiracy to violate the civil rights of Dr. Fielding. Liddy plead innocent on March 14, 1974, and is currently awaiting trial on these charges. In addition Liddy has been charged with refusing to testify before a House Committee. He was convicted on this charge on May 10, 1974, and given a suspended six month sentence.

14. JEB STUART MAGRUDER

A former assistant to H. R. Haldeman and White House Communications Director Herbert G. Klein from 1969 to 1971 at which time he was appointed Acting Director of the Committee to Re-Elect the President and later was made Deputy Director serving under John Mitchell. Magruder, a graduate of Williams College and the University of Chicago Business School, worked in advertising and management in Santa Monica, California, prior to joining the Nixon administration. He has previously worked as a volunteer in election campaigns of President Nixon, Senator Barry Goldwater, and former Representative Donald Rumsfeld. At the time of his indictment Magruder was employed as Planning Director for the Department of Commerce.

Prosecutive Action

On August 16, 1973, Magruder plead guilty to a one count indictment charging Conspiracy to Obstruct Justice. On May 21, 1974, Magruder was sentenced to from ten months to four years in Federal custody.

15. ROBERT C. MARDIAN

Former Assistant Attorney General, Internal Security Division, Department of Justice. Mardian resigned from his position as Assistant Attorney General in April of 1972 to join the Committee for the Re-Election of the President. His position at the Committee was that of Campaign Coordinator and Political Consultant. Jeb Magruder has testified that Mardian was present in a meeting in John Mitchell's apartment on June 19, 1972, during which time the destruction of illegal wiretap logs was discussed. Mardian has testified that four days after the Watergate break-in G. Gordon Liddy briefed him and Fred LaRue about the Watergate break-in, the Ellsberg psychiatrist break-in and other matters pertaining to the "Plumbers" operations. Mardian now resides in Phoenix, Arizona, where he is President of the Mardian Construction Company. In a statement to FBI agents Mardian acknowledged receiving custody of logs from FBI wiretaps of White House aides and newspaper reporters which were undertaken upon White House instructions in an effort to discover the source of news leaks of highly classified information. Mardian stated that he turned the logs of these wiretaps over to the White House where they were located last May as a result of an FBI inquiry instituted by former Acting Director Ruckelshaus. These logs were found in a safe belonging to former presidential Domestic Counsel John D. Ehrlichman.

Prosecutive Action

On March 1, 1974, Mardian was indicted on one count of Conspiracy to Obstruct Justice. On March 9, 1974, he plead not guilty to this charge. A tentative trial date of September 9, 1974, has been set.

16. EUGENIO ROLANDO MARTINEZ

One of the five subjects apprehended in the Watergate complex on June 17, 1972. Martinez is alleged to have come to the United States from Cuba in 1959 [REDACTED]

b1 [REDACTED] Martinez received an immigrant visa to the United States in 1959 and was naturalized in 1970. His naturalization petition was signed by Bernard L. Barker, also one of the subjects arrested at the Watergate. Prior to the Watergate break-in Martinez was employed by the real estate firm of Bernard Barker in Miami, Florida.

Prosecutive Action

On September 15, 1972, Martinez was indicted on four counts charging Interception of Communications, Conspiracy and Burglary. On January 15, 1973, Martinez plead guilty to the charges and on November 9, 1973, was sentenced to from one to six years in the custody of the Attorney General. On March 7, 1974, Martinez was indicted for conspiracy to violate the civil rights of Dr. Lewis J. Fielding, a psychiatrist of Daniel Ellsberg by burglarizing his office. The Grand Jury indictment charged that the burglary was carried out by Bernard L. Barker, Felipe DeDiego and Eugenio Martinez, under the supervision of G. Gordon Liddy and E. Howard Hunt. Trial for this indictment was set for June 17, 1974.

17. JAMES WALTER MC CORD, JR.

A former FBI agent from October 1948 to February 1951 and official with the CIA from 1951 to May of 1970 at which time he retired. At the time of his retirement [REDACTED]

61 [REDACTED] McCord was one of the five individuals who were arrested inside the Democratic National Committee Headquarters in the Watergate complex on June 17, 1972. At the time of his arrest McCord was head of McCord Associates in Rockville, Maryland, a company specializing in security work. McCord was employed at the time of his arrest and had been so employed since January 1972 as Security Chief for the Committee to Re-Elect the President. On March 23, 1973, Judge John J. Sirica produced in open court a letter that McCord had written charging that there had been a cover up in the Watergate case and that perjury had been committed during the trial. On March 30, 1973, Judge Sirica deferred sentencing of McCord until McCord testified before the Federal Grand Jury and the Senate Watergate Committee. On May 18, 1973, McCord in testimony before the Watergate Committee implicated by hearsay information that President Nixon himself was involved in alleged offers of Executive Clemency in return for guilty pleas by McCord and the other Watergate defendants. McCord also outlined a series of payments he had received in a covert manner from John J. Caulfield, a former presidential staff assistant who worked in the office of John W. Dean III. Caulfield was at that time employed as a Special Assistant to the Secretary of Treasury for Law Enforcement. McCord has been critical of the FBI's investigation into the Watergate matter stating that if an all out investigation had been conducted the Bureau would have uncovered the whole story. McCord states he believes the actions of L. Patrick Gray, former Acting Director of the FBI, thwarted Bureau agents in fully discharging their investigative duties and thereby adequately resolving the entire Watergate matter.

Prosecutive Action

On September 15, 1972, McCord was indicted by a Federal Grand Jury on four counts charging Interception of Communications, Conspiracy and Burglary in connection with the Watergate burglary incident. McCord plead not guilty and at a trial ending January 30, 1973, was found guilty on all counts. On November 9, 1973, he was sentenced to from one to five years in the custody of the Attorney General. McCord is presently free on bond pending appeal.

18. JOHN N. MITCHELL

Former Attorney General of the United States from 1969 to 1972, he left the Attorney General's post on March 1, 1972, to become Director of the Committee for the Re-Election of the President. Mitchell resigned this post on July 1, 1972, citing personal family reasons for leaving the campaign post. Mitchell was a partner with President Nixon in the New York law firm of Mudge, Rose, Guthrie, Alexander and Mitchell. He is 60 years of age having been born on September 5, 1913, in Detroit, Michigan, and is a graduate of Fordham University Law School. Testimony received in the Senate Watergate Hearings indicated that Mitchell while still Attorney General was involved in several meetings where plans for a broad scale campaign of espionage and illicit campaign tactics against the Democratic Party and its nominee were discussed which plans were said to have included the electronic surveillance of the Democratic National Committee Headquarters in the Watergate Complex. Jeb Stuart Magruder, former Deputy Campaign Manager under John Mitchell, testified before the Senate Watergate Committee that Mitchell approved the electronic surveillance project on March 30, 1972, while in Key Biscayne, Florida.

Prosecutive Action

On March 1, 1974, Mitchell was indicted by a Federal Grand Jury on seven counts including conspiracy to obstruct justice, two counts of making false statements to a Federal Grand Jury, one count of perjury, one count of making false statements to FBI agents and one count of obstruction of justice. Mitchell plead innocent on March 9, 1974, and a tentative trial date has been set for September 9, 1974. On April 28, 1974, Mitchell along with former Secretary of Commerce Maurice H. Stans were acquitted on charges of obstruction of justice in connection with the Robert Vesco case wherein it was charged that they (Mitchell and Stans) attempted to influence the Securities and Exchange Commission to take favorable action for Vesco in litigation that the Securities and Exchange Commission had undertaken.

19. KENNETH W. PARKINSON

A prominent Washington attorney who has been active in civic and legal affairs in the District of Columbia for several years. He is a past President of the Junior Chamber of Commerce and has served as an officer of the District of Columbia Bar Association and President of the Legal Aid Society. Parkinson was retained by the Committee for the Re-Election of the President immediately following the Watergate break-in arrests. Parkinson represented the Re-Election Committee in several suits brought by Democratic Party officials. Parkinson also sat in on FBI interviews with Re-Election Committee employees and it was alleged that at least on one occasion Parkinson confronted an employee and accused her of talking to the FBI without his authority.

Prosecutive Action

On March 1, 1974, Parkinson was indicted by a Federal Grand Jury on one count of conspiracy to obstruct justice and one count of obstruction of justice. Parkinson plead not guilty on March 9, 1974. A trial date of September 9, 1974, was set.

20. HERBERT L. PORTER

Former Scheduling Director, Committee for the Re-Election of the President, Porter testified before the Senate Watergate Committee on June 7, 1973. Porter advised the Committee that Jeb Magruder, former Deputy Director of the Nixon campaign asked him (Porter) to tell a fabricated story about what happened to \$100,000 in cash given to convicted Watergate conspirator G. Gordon Liddy. Porter also admitted that he had related the false account of how the funds were used to the FBI and to the Watergate Federal Grand Jury.

Prosecutive Action

On January 28, 1974, Porter plead guilty to a one count information charging false statements to FBI agents. He was sentenced on April 11, 1974, to serve 30 days of a five to fifteen month sentence. Porter was released from custody on May 20, 1974.

21 DONALD H. SEGRETTI

A California attorney born in San Marino, California, in 1941 and educated at the University of Southern California. At the University of Southern California Segretti became acquainted with Dwight Chapin, former Appointments Secretary to President Nixon. Segretti served in a legal position with the Treasury Department in Washington, D. C., and later joined the U. S. Army where he served as an attorney in the Judge Advocate's General Corps. Herbert Kalmbach, former personal attorney to President Nixon has advised Bureau agents that Segretti was brought to his attention by Dwight Chapin and that he met with Segretti on Chapin's instructions in August or September 1971 as Segretti was leaving the Army. Chapin instructed Kalmbach to pay Segretti \$16,000 per year and expenses out of campaign contributions collected before the April 7, 1972, law requiring campaign contribution disclosure became effective. Segretti in testimony before the Senate Watergate Committee on October 3, 1973, confirmed that he had been hired in the Summer of 1971 by two former University of Southern California classmates, Dwight Chapin and Gordon Strachan, who were both then employed by the White House. Segretti advised he was instructed to perform certain political functions for the re-election of the President. Segretti stated he considered these functions to be "similar to college pranks which had occurred at the University of Southern California and that there was nothing improper or illegal in such traditional activities." He was later instructed by Chapin that his duties would consist of various activities tending to foster a split between the various Democratic hopefuls and to prevent the Democratic Party from uniting on one candidate. Segretti stated he had received \$45,000 in expense money from Herbert W. Kalmbach during the period September 1971 to March 1972 and bi-weekly salary payments of \$667 during the same period.

Prosecutive Action

On September 27, 1973, Segretti was indicted by a Federal Grand Jury in Washington, D. C., on charges of the illegal distribution of false campaign literature. Segretti plead guilty on October 1, 1973, was sentenced to one year on each count, suspended with six months in the custody of the Attorney General and probation for three years. Segretti was released from Federal custody on March 25, 1974.

22. GORDON C. STRACHAN

Graduate of the University of Southern California who received his law degree from the University of California. Strachan worked for President Nixon's former law firm in New York for two years before joining the White House Staff in August 1970 as an Assistant to White House Chief of Staff H. R. (Bob) Haldeman. Strachan worked for Haldeman until December 1972 when he became General Counsel for the United States Information Agency. He assumed that position in January of 1973 and resigned on April 30, 1973, the same day that Haldeman resigned his position as White House Chief of Staff. Strachan served as the liaison representative between Haldeman and the Committee to Re-Elect the President during 1972 campaign. Jeb Stuart Magruder, former Deputy Director of the Nixon campaign testified that Strachan was kept informed of plans to develop a covert intelligence gathering operation involving break-ins and illegal wiretapping being carried out by the Re-Election Committee. Magruder also stated that Strachan had been informed that the operation had been approved and that Strachan was furnished with copies of "Gemstone" materials for transmittal to his White House superiors. Strachan has testified that Haldeman had told him on June 20, 1972, three days after the Watergate break-in to "make sure our files are clean". Strachan testified that he destroyed documents that had been received in the White House from the Re-Election Committee as a result of that order from Haldeman. Strachan has also stated that he returned to Frederick C. LaRue, an official of the Re-Election Committee, \$350,000 in cash being kept in the White House. LaRue has testified that this money was given to the Watergate defendants as part of the "cover up."

Prosecutive Action

On March 1, 1974, Strachan was indicted by a Federal Grand Jury, Washington, D. C., on counts of conspiracy to obstruct justice, obstruction of justice and making false statements to a Federal Grand Jury. Strachan plead innocent on March 9, 1974, and a tentative trial date has been set for September 9, 1974.

23. FRANK ANTHONY STURGIS

Sturgis, who was born Frank Anthony Fiorini, later changed his name to Sturgis, was one of the five defendants arrested during the Watergate burglary on June 17, 1972. Sturgis is a Miami resident and the operator of the Hampton Roads Salvage Company in Miami. He is a long time associate of fellow Watergate defendants Bernard L. Barker and Eugenio Martinez. Sturgis lost his U. S. citizenship in 1960 when he enlisted in the armed forces of a foreign nation (the Cuban Army). He has been involved with the International Anti-Communist Brigade and other anti-Castro activities. [REDACTED] b

[REDACTED] Sturgis has declined to cooperate with Bureau agents investigating the Watergate matters.

Prosecutive Action

Sturgis was indicted by a Federal Grand Jury on September 15, 1972, on counts of Interception of Communications, Conspiracy and Burglary. He plead guilty on January 15, 1973, and was sentenced on November 9, 1973, to serve to from one to four years. Sturgis was freed pending an appeal on January 18, 1974.

APPENDIX C

EXPLANATORY NOTES AND DOCUMENTATION

1. Airtel from Acting Director FBI, to SACs Washington Field, Atlanta, Alexandria, Baltimore, Boston, Kansas City, New York, and Philadelphia; captioned "James Walter McCord, Jr.; Bernard L. Barker, et al., Burglary of Democratic Party National Headquarters, 6/17/72, Interception of Communications - Conspiracy," Bureau file No. 139-4089.
2. "Plumbers" is a name given the White House Special Investigations Unit. The Unit was under the direction of Egil Krogh.
3. General Investigative Division Inspection; Inspector W. M. Mooney, Report dated 8/10/73, Pages 69-77.
4. W. M. Felt to Walters memorandum, dated 5/22/73, captioned "Watergate."
5. L. M. Walters to Felt memorandum, dated 5/23/73, captioned "Watergate."
6. Memorandum to Mr. Archibald Cox, Special Prosecuting Attorney, from Acting Director FBI, dated 6/7/73, captioned "Watergate - Events at Initial Stage of Case."
7. Inspector James Joseph O'Connor to Mr. Jacobson memorandum, dated 6/26/73, captioned "Watergate - Analysis of Possible Involvement by L. Patrick Gray."
8. Letter to Special Prosecutor's Office, from Director, FBI, dated 4/10/74, captioned "Confirmation Hearings of L. Patrick Gray III."
9. For comments and/or criticisms in this general area see Transcript of White House Tapes, pages 258-259, 821-822; Transcript of Silbert Confirmation Hearings, pages 38-39, 97-99; Report of Senate Watergate Hearings, pages 940-941, 944-945, 3478-3482; A Piece of Tape: The Watergate Story: Fact or Fiction by James W. McCord, pages 66, 236-237, 312-313, 324; All The President's Men by Carl Bernstein and Bob Woodward, pages 172, 232; Watergate: The Full Inside Story by Lewis Chester, Et Al, pages 182, 186; L. Patrick Gray III, Senate Confirmation Hearings, pages 45-46, 57, 304, 331-332, 334-339, 345, 347, 358, 361, 375, 619, 653, 692-693.

10. See Silbert Hearings, Op. cit., pages 81-82, 84, 154-161; Senate Watergate Hearings, Op. cit., pages 3485, 3848-3849; McCord, Op. cit., pages 39, 43, 65-66; Bernstein and Woodward, Op. cit., pages 41, 67, 172; Gray Hearings, Op. cit., pages 334-336, 345.

11. See White House Transcript, Op. cit., pages 270-271; Silbert Hearings, Op. cit., pages 37-43; Senate Watergate Hearings, Op. cit., page 3467; Bernstein and Woodward, Op. cit., page 232; Chester, Op. cit., page 183; Gray Confirmation Hearings, Op. cit., pages 328, 350-354, 676, 692; "The Judge Who Tried Harder" by George V. Higgins in "The Atlantic Magazine", April 1974, page 103.

12. See White House Transcripts, Op. cit., pages 185-186; Silbert Confirmation Hearings, Op. cit., page 32; Senate Watergate Hearings, Op. cit., pages 963, 3485-3486, 3554-3555, 3582, 3790; McCord, Op. cit., page 39.

13. See Silbert Confirmation Hearings, Op. cit., pages 57-58, 104, 179-183; Chester, Op. cit., page 186; Bernstein and Woodward, Op. cit., pages 29-31, 35.

14. See Silbert Confirmation Hearings, Op. cit., pages 15-16, 32; Senate Watergate Hearings, Op. cit., pages 3521, 3848-3849; McCord, Op. cit., pages 37-38, 40; Bernstein and Woodward, Op. cit., page 173.

15. See Silbert Confirmation Hearings, Op. cit., page 64; Bernstein and Woodward, Op. cit., page 200.

16. See White House Transcripts, Op. cit., page 56-57; Silbert Confirmation Hearings, Op. cit., pages 99-101; Senate Watergate Hearings, Op. cit., pages 3548, 3595-3596, 3651-3652; McCord, Op. cit., pages 25-26 (McCord states that he installed two electronic devices on the telephones in the Democratic National Committee Headquarters, Watergate Office Building, that were not detected or removed by the FBI; the first was removed in December 1972 from the telephone of Spencer Oliver and the second was not removed until April 1973.)

17. See White House Transcripts, Op. cit., page 381; Silbert Confirmation Hearings, Op. cit., 109-110, 116-119, 122-124, 126-127, 132, 135-136; Senate Watergate Hearings, Op. cit., pages 3551-3552, 3620-3621; Bernstein and Woodward, op. cit., pages 18, 29-31, 35, 107, 166; Chester, Op. cit., pages 183-184, 188; Gray Confirmation Hearings, Op. cit., pages 44, 57-60, 77, 144, 147-148, 177, 214-219, 224, 305-307, 347, 391, 599, 625, 664-665, 691.

18. See White House Transcripts, Op. cit., pages 131-132, 185-186, 821-822, 865, 1218; Silbert Confirmation Hearings, Op. cit., pages 43-44, 124-125; Senate Watergate Hearings, Op. cit., pages 3450-3467 (re CIA connection), 3467-3472 (re John Dean and Hunt files), 3624-3625; McCord, Op. cit., pages XI, 40, 228-229, 237, 319; Bernstein and Woodward, Op. cit., pages 107, 146, 166, 230; Chester, Op. cit., 189, 204; Higgins, Op. cit., 102-103; also see pages listed in Footnote 17, supra, re Gray Confirmation Hearings regarding Donald Segretti matter.

19. See White House Transcripts, Op. cit., page 88; Senate Confirmation Hearings, Op. cit., pages 124-126; Bernstein and Woodward, Op. cit., pages 66, 146, 165, 270.

20. See White House Transcripts, Op. cit., pages 185-186; Silbert Confirmation Hearings, Op. cit., pages 135-136; Senate Watergate Hearings, Op. cit., pages 940-941, 3532; Bernstein and Woodward, Op. cit., pages 153, 157; Gray Confirmation Hearings, Op. cit., pages 227, 280.

21. See White House Transcripts, Op. cit., pages 185-186; Silbert Confirmation Hearings, Op. cit., pages 11-12, 23, 25, 29, 35-37, 51-53, 65, 73-74, 110-115, 127, 132, 171, 173, 175, 186, 188; Senate Watergate Hearings, Op. cit., pages 3560-3567, 3620-3625; McCord, Op. cit., pages XI, XV, 35, 39, 234-235, 237-238, 315-316, 319, 325-327; Bernstein and Woodward, Op. cit., pages 127; Chester, pages 166-167.

22. See Silbert Confirmation Hearings, Op. cit., pages 63-72; Senate Watergate Hearings, Op. cit., pages 3403-3449, 3815, 3450-3467, 3648, 3821-3822; McCord, Op. cit., pages 49-51; Bernstein and Woodward, Op. cit., pages 73, 318; Chester, Op. cit., 186-192, 214, 225, 226-227.

23. See White House Transcripts, Op. cit., pages 128-129 (This is a conversation between the President and White House Counsel John Dean in which they are discussing the supposed political use of the FBI by the Johnson Administration. During this conversation the President states "How bad would it hurt the country, John, to have the FBI so terribly damaged?" Dean replies, "Do you mind if I take this back and kick it around with Dick Moore? These other questions. I think it would be damaging to the FBI, but may be it is time to shake the FBI and rebuild it. I am not so sure that the FBI is everything it is cracked up to be. I am convinced that the FBI isn't everything the public thinks it is.") Pages 185-186 (In this conversation between the President and John Dean they are discussing the adequacy of the investigation and the performance of Assistant Attorney General Henry Petersen. The President states to

Dean "Do you honestly feel that he did an adequate job?" Dean replied, "They ran that investigation out to the fullest extend they could follow a lead and that was it." The President then asked "But the way point is, where I suppose he could be criticized for not doing an adequate job. Why didn't he call Haldeman? Why didn't he get a statement from Colson? Oh, they did get Colson!" Dean then stated, "That's right. But as based on their FBI interviews, there was no reason to follow up. There were no leads there. Colson said, 'I have no knowledge of this' to the FBI. Strachan said, 'I have no knowledge.' They didn't ask Strachan any questions about Watergate. They asked him about Segretti. They said, 'what is your connection with Liddy?' Strachan just said, 'Well, I met him over there.' They never really pressed him. Strachan appeared, as a result of some coaching, to be the dumbest paper pusher in the bowels of the White House." Pages 270-271 (In this conversation between the President, Mr. Haldeman, Mr. Ehrlichman, Mr. Dean and Mr. Mitchell on March 22, 1973, they discussed the testimony of L. Patrick Gray III during his Senate confirmation hearing indicating that John Dean probably lied to FBI agents about whether or not Howard Hunt had an office in the White House. Dean states to the President that he had indicated that he would check it out and that the agent had asked if he could see the office and that Dean had told him that he would have to check it out. Dean is complaining that the headlines will state "Gray says Dean lies." And the President indicates that Mr. Gray probably misunderstood the question and Mitchell states "Another factor -- those agents may not have reported it exactly.") Pages 338, 566-567 (In this conversation between the President, Haldeman and Ehrlichman on April 14, 1973, the adequacy of Ehrlichman's inquiry into the Watergate cover up is being discussed. Haldeman states "Did you review the FBI files?" Ehrlichman "No." Haldeman, "Why not? That's the original source you said was the most extensive investigation in history. Why the hell didn't you look at it?" Ehrlichman, "I didn't look at because I didn't need to look at it. I got a summary." Later in this conversation Ehrlichman indicates that the summary he reviewed was a Justice Department summary and that he did not attempt to duplicate the inquiry that had been conducted by the U. S. Attorney, the Federal Grand Jury or the Justice Department.) Pages 1216-1220. (These pages reflect the transcript of a conversation between the President and two attorneys for Haldeman and Ehrlichman, a Mr. Wilson and a Mr. Strickler. During this conversation Mr. Wilson relates to the President, Ehrlichman's version of what happened when John Dean turned over certain materials from Howard Hunt's White House safe to Mr. Gray in the presence of John Ehrlichman); Silbert Confirmation Hearings, Op. cit., pages 106, 113, 125-126, 171; Bernstein and Woodward, Op. cit., pages 205, 216-217, 238, 272, 274, 277, 293-294, 306; Chester, Op. cit., pages 183-185, 187-189, 191; Higgins, Op. cit., pages 102, 105; there are also numerous instances cited during the testimony of L. Patrick Gray; General Walters,

Deputy Director of the CIA, John Dean, Henry Petersen, John Ehrlichman and H. R. Haldeman before the Senate Watergate Committee in relationship to attempted White House interference during the initial stages of the FBI's Watergate investigation.

24. W. W. Bradley to Mr. Conrad memorandum, dated April 12, 1973, captioned "James W. McCord, et al, IOC - Democratic National Committee Headquarters (DNCH)," file No. 139-4089, serial 2001.

25. Hearings Before the Committee on the Judiciary, U. S. Senate on Nomination of William D. Ruckelshaus To Be Deputy Attorney General, page 49.

26. Ibid., page 61



FEDERAL BUREAU OF INVESTIGATION

WATERGATE (SUMMARY)

PART 2 of 2

FILE NUMBER : 139-4089

WATERGATE SPECIAL PROSECUTION FORCE
United States Department of Justice
1425 K Street, N.W.
Washington, D.C. 20005

Assoc. Dir. ☒
Dep.-A.D.-Adm. ☒
Dep.-A.D.-Inv. ☒
Asst. Dir.:
Admin. ☒
Comp. Syst. ☒
Ext. Affairs ☒
Files & Com. ☒
Gen. Inv. ☒
Ident. ☒
Inspection ☒
Intell. ☒
Laboratory ☒
Plan. & Eval. ☒
Spec. Inv. ☒
Training ☒
Legal Coun. ☒
Telephone Rm. ☒
Director's Sec'y ☒

October 16, 1975

ROUTE TO D.O. FOR SIGNATURE, please
edm

Honorable Clarence M. Kelley
Director
Federal Bureau of Investigation
Washington, D. C. 20537

Dear Clarence:

James Walton M. Ford

I am enclosing a copy of a Report covering the activities of the Watergate Special Prosecution Force from May 1973 to September 15, 1975.

As you know, we have relied heavily on the Bureau for investigative assistance in many extremely important areas of our work. I want to express my personal appreciation to you and to each of the agents and the supervisory personnel who cooperated so well in the mission of this Office.

Best wishes.

Sincerely,

Henry S. Ruth

HENRY S. RUTH, JR.
Special Prosecutor

REC-65

139-4089-3070

5 NOV 8 1975

ENCLOSURE

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10-23-75
W.T.R.R.L.

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EX 104

W.T.R.R.L.

SUMMARY OF OCTOBER, 1975 REPORT OF
WATERGATE SPECIAL PROSECUTION FORCE

The Report of the Watergate Special Prosecution Force (WSPF) describes the work of WSPF during the 28-month period from May 25, 1973 when Archibald Cox took office as Special Prosecutor to September 15, 1975. The work produced more than fifty criminal convictions of individuals and pleas of guilty from nineteen corporations. These matters included eleven completed or pending trials of which six were held in Washington, D.C. and five were held or are scheduled in various cities around the Nation.

In addition to reporting on the investigations and trials WSPF undertook and completed, the Report describes the process by which decisions were made as to the investigations to be undertaken, the persons to be charged and the charges to be brought, including decisions concerning plea negotiations. However, the Report does not set out facts about individual cases or criminal charges other than those that have been presented in court or otherwise made public, because, as explained in the Introduction to the Report, to do so would be inconsistent with fundamental protections which our system of justice accords to individuals.

The Report describes in detail the Special Prosecutor's efforts to obtain tapes, documents and other information and

ENCLOSURE

139-407-3070

material of the Nixon Administration starting immediately after Cox's appointment and continuing for several months after President Nixon's resignation. It also describes the deliberations and the actions of the Special Prosecutor relating to the possibility of criminal charges against President Nixon and the cooperation between WSPF and the House Judiciary Committee during that Committee's investigations and deliberations about possible impeachment.

Finally, the Report states some concluding observations and makes a series of recommendations based upon the experience of the prosecutors during their 28-months' work. Since the Prosecution Force was not a commission or study group, the proposed recommendations are not intended as a comprehensive finding as to the changes needed to prevent and challenge abuses of power. A detailed series of appendices follows the main body of the Report.

There are summarized below those chapters of the Report setting forth WSPF's recommendations, the policies and procedures of WSPF including decisions about prosecutions to be undertaken and about plea bargaining, descriptions of major investigations, efforts to obtain evidence from the White House, and actions related to possible criminal prosecution against President Nixon.

WSPF Recommendations (Chapter 5)

1. Protecting the Integrity and Effectiveness of the Prosecution Function

Among recommendations seeking to insulate the Department of Justice from political pressure were the following:

- Neither the campaign manager nor any other top officials of the President's campaign should become Attorney General.
- The Hatch Act should apply to all Justice Department employees.
- A written record should be maintained of all outside contacts with Justice Department officials concerning pending matters.
- A new unit with adequate resources should be established within the Justice Department to investigate and prosecute corruption cases.
- An Office of Permanent Special Prosecutor should not be established.
- The organized bar and the courts should clarify and more actively inquire into possible conflicting interests in one attorney's representation of both higher-level and lower-level employees during a federal investigation of the leadership's conduct in hierarchical organizations, such as corporations, labor unions and government agencies.
- In order to ensure a continuous flow of information from cooperating witnesses, the Freedom of Information Act should be clarified to protect absolutely information obtained confidentially by law enforcement agencies.

2. Protecting the Integrity of Executive Branch Functions in Law Enforcement

- Congress should exercise effective oversight of enforcement and intelligence agencies through

regular review of agency policies, internal inspection procedures and other checks on how sensitive functions are being performed.

- A constitutional amendment should clarify if and when a President in office is subject to criminal prosecution.

3. Control of Intelligence and National Security Functions

- All intelligence agencies should issue written policies setting forth types of domestic intelligence to be gathered and methods to be used. These policies should be reviewed by a domestic intelligence policy review board.
- The Administration should clarify its present policy on warrantless searches and seizures in connection with foreign intelligence investigations.

4. Political Financing and Campaign Tactics

- The Department of Justice should take the initiative in undertaking investigations and prosecutions for campaign financing violations without waiting for referral of complaints from other agencies or individuals.
- Individual responsibility for the various reporting requirements of a campaign committee under the Federal Election Campaign Act (FECA) should be extended to include committee chairmen, rather than just the treasurers of such committees.
- The statute of limitations on election law violations, amended retroactively in the middle of WSPF's work to a three-year period, should be restored to the five-year period applicable to almost all other federal crimes.
- Several amendments are needed to the FECA provisions barring corporate contributions and contributions by a government contractor in order to clarify the extent and nature of the criminal prohibitions and make them more consistent in approach to the problems of campaign financing. (See pp 149-152 of Report)

- The authority of the Federal Election Commission should be broadened with respect to "dirty tricks" to enable it to promulgate standards of unaccepted campaign conduct.

WSPF Policies and Procedures for Investigation and Prosecution
(Chapter 2)

A. Beginning Investigations

The Report describes the various sources of information on the basis of which decisions were made to undertake investigations. It notes that with respect to some areas of its responsibility, WSPF began with the benefit of prior investigative work by other agencies while with respect to others, little prior work had been done. It describes the Special Prosecutor's decision to utilize the FBI as its principal investigating agency, a decision that Cox reached only after satisfying himself that alleged improprieties by some former high FBI officials did not involve those who would be responsible for work undertaken for the Special Prosecutor.

B. The Investigative Process

The Report details the various investigative techniques used by WSPF, noting similarities and differences in comparison with other "white-collar" crime investigations.

Among the differences were the special problems resulting from the White House's refusal to make available important evidence, the intense interest of the news media, and WSPF's need to maintain public support in view of the threat its work presented to the President and others in high positions.

The Report describes the various methods used for obtaining information from witnesses, including FBI interviews, office interviews and bringing the witness before the grand jury and the role each of these methods played in WSPF's investigations. It notes that only about 30 of the several hundred witnesses who were interviewed were granted immunity as a means of obtaining crucial information. An important reason for this was WSPF's belief that most of those who were at relatively "low" levels of the conspiracies and other wrong-doing it was investigating held important positions of public trust and were not entitled to complete immunity. Whenever possible in such situations, WSPF sought to obtain the information it needed on the basis of a plea bargain in order that a court could impose an appropriate penalty.

C. Charging and Disposing of Cases

The Report analyzes the bases on which WSPF decided whether to charge persons and what particular charges to bring. The case involving the burglary of the office of Dr. Fielding, Daniel Ellsberg's psychiatrist, is used as an example to describe the factual and legal considerations that led to rejection of certain charges and the decision to bring others - in that case conspiracy to violate Dr. Fielding's Fourth Amendment rights to not be victimized by an illegal search and seizure.

The Report describes the issues the Special Prosecutor faced in deciding whether to bring perjury charges and whether to invoke the federal conspiracy statute in those cases where it appeared to be applicable.

The Report also explains why instead of using the minimum required standard of proof for a grand jury indictment, the Special Prosecutor sought to use a higher standard and thus sought indictments only when all the available evidence, including the defendant's explanations, seemed likely to result in a guilty verdict at trial.

The Report indicates the special circumstances that in some cases led the prosecutors to believe leniency was justified in making charging decisions. Thus, in a few cases the defendant's health was taken into account. In others, the defendants seemed to have relied on advice of counsel as to the legality of their actions or on prior non-enforcement decisions by government agencies.

Plea Bargaining

Without plea bargaining the Special Prosecutor would have been able to convict only a small number of the persons who were shown on investigation to have committed crimes. Information obtained by plea bargaining was crucially important in many of the major prosecutions and convictions.

The Report describes Special Prosecutor Cox's offer of leniency to corporations which volunteered information about their violations of the campaign financing laws. The reasons for Cox's policy, which was adhered to by each succeeding Special Prosecutor, are described in full in the Report and include proof difficulties, prior lack of enforcement and corporate disclosure of prior practices. The volunteer policy resulted in guilty pleas by 12 corporations and 10 corporate officers. These pleas, and others that followed in the campaign contributions area, marked the first time in many years that corporate officers had been convicted for consenting to illegal contributions.

The Report describes WSPF's concern that guilty pleas involve admission of guilt to a sufficiently serious charge to enable the judge to impose an appropriate sentence. In general the Special Prosecutor was willing to accept a plea to one felony charge. Most federal felonies permit a five-year maximum sentence. WSPF also believed that guilty pleas should resolve the issue of the defendant's guilt or innocence of the underlying conduct which the evidence established. Thus, WSPF refused to accept pleas if the defendant was asserting his innocence in court at the time of the plea, and, with one exception involving one of the first campaign-law violators to come forward voluntarily, refused to accept pleas of nolo

contendere. In a few other situations the Special Prosecutor was willing to accept guilty pleas that did not fully meet these concerns, and the Report sets out the range of considerations that led to the acceptance of such pleas.

The Report also notes that in considering a plea agreement, WSPF was concerned that where subordinates had been convicted and sentenced, the principle of proportionality prevented accepting a plea to a lesser charge from a person who had directed his criminal activities.

Major Investigations and Other Actions (Chapter 3)

The most important work of WSPF's five task forces and the counsel's office is summarized in Chapter 3 of the Report. Not included are large numbers of investigations which involved a relatively minor commitment of office resources and a lesser number of investigations, requiring more substantial efforts, which have not been publicly disclosed in the past and which did not result in charges. Reporting them would publicize, for the first time and in an improper forum, allegations from which the prosecutors concluded they should not initiate court action for the various reasons cited in Chapter 2. In the investigations included within this chapter, allegations are cited if they have already received extensive publicity or if they had become public through court proceedings, legislative inquiries or other forums.

A section of the work of the Watergate Task Force briefly describes its three investigations. The Watergate cover-up investigation resulted in the prosecution and felony conviction of eight men formerly associated with the White House or the President's Campaign Committee. On January 15, 1974, a panel of tapes' experts appointed by Judge Sirica concluded that an 18 1/2 minute gap in a subpoenaed Presidential tape recording of June 20, 1972 had been produced by at least five separate hand operations of the stop and record buttons of a Uher 5000 machine, the same model used by the President's secretary, Rose Mary Woods, in transcribing the tape. Since the experts' report made it clear that the gap had been caused by intentional erasures, and evidence produced at earlier hearings showed that the erasures had occurred after the tape had been subpoenaed, Judge Sirica had referred the matter to the grand jury for further investigation of the possibility of obstruction of justice. A grand jury, assisted by WSPF and the FBI, concluded from the testimony of over 50 people that a very small number of persons could have been responsible for the erasures, but it was unable to obtain evidence sufficient to prosecute any individual.

Another matter which arose as part of the Watergate cover-up investigation was an inquiry into President Nixon's submission of Presidential tape transcripts to the House Judiciary

Committee on April 30, 1974. Comparison of the President's submission with transcripts in WSPF's possession showed that the President's version contained several omissions of portions of conversations. After an investigation, WSPF concluded that there is strong circumstantial evidence that at least some of the lengthy deletions were deliberate, but no prosecution was possible for reasons outlined in the Report.

The Report also describes the work of WSPF's "Dirty Tricks" task force. The "Dirty Tricks" investigation, which resulted in convictions of Donald Segretti and Dwight Chapin, sprung from reports that President Nixon's re-election campaign had included an undercover network of agents who had engaged in various kinds of political espionage and sabotage against candidates for the Democratic Presidential nomination. The reported activities included forging letters and other literature which unfairly attacked some candidates, planting manufactured stories in the press, copying documents from campaign files, and recruiting people to ask embarrassing questions at candidates' rallies or to picket such rallies on behalf of opposing candidates. WSPF also received and investigated allegations about possible "dirty tricks" by agents of Democratic candidates directed against President Nixon's campaign.

WSPF's ITT task force investigated allegations that the Department of Justice had settled three antitrust suits in 1971 against International Telephone and Telegraph Corporation (ITT), one of the Nation's largest conglomerates, in return for ITT's alleged offer to help finance the 1972 Republican National Convention. These investigations included the possibility that perjury had been committed in the 1972 confirmation hearings of Richard Kleindienst to become Attorney General and an allegation that a Securities and Exchange Commission (SEC) inquiry had been obstructed by ITT's failure to produce certain documents. The Report summarizes these investigations and additional allegations that the Kleindienst hearings had been illegally obstructed; that crimes had been committed in connection with the transfer of documents relating to ITT from the SEC to the Justice Department; that ITT had been granted a favorable tax ruling by the Internal Revenue Service as a result of improper influence or fraud; that improper influence had been applied to the Justice Department's handling of the antitrust suits against ITT, apart from the 1971 settlement; that improper influence had been used in securing the agreement of another corporation to merge with ITT; and that perjury had been committed by various people before Congressional Committees, the SEC, and the grand jury. Richard Kleindienst and Howard Reinecke were convicted by this Task Force.

The "Plumbers" task force investigated and prosecuted those responsible for a break-in in September 1971 at the Los Angeles offices of Dr. Lewis Fielding, conducted to secure the psychiatric records of Fielding's former patient, Daniel Ellsberg. At the time of the break-in, Ellsberg was under indictment for his role in the alleged theft of the classified "Pentagon Papers." The report recounts that prosecution, which resulted in the conviction of six individuals, and a number of other investigations undertaken by WSPF's "Plumbers." These included investigations of other break-ins, a "national security" wiretap program, the alleged misuse of federal agencies, the alleged mistreatment of demonstrators, and an inquiry into President Nixon's tax returns.

The Report also details the work of the Campaign Contributions task force, which systematically examined the campaign finances of major 1972 Republican and Democratic Presidential candidates. This examination included the investigation of several hundred separate transactions, including corporate and labor union contributions, recipients' non-reporting of contributions and expenditures, and alleged quid pro quo relationships between contributions and Government actions. The Report specifically describes investigations into the alleged sales of Ambassadorships, contributions made by

Associated Milk Producers, Inc., the "Townhouse" program, the Hughes-Rebozo allegations and an inquiry into the National Hispanic Finance Committee. In total, the Campaign Contributions Task Force convicted 32 individuals and 19 corporations.

Chapter 3 concludes with a summary of the work of WSPF's legal issues task force, the Office of Counsel to the Special Prosecutor.

Efforts to Obtain Evidence from the White House (Chap. 4, first section)

From the first days of Special Prosecutor Cox's tenure until many months after President Nixon's resignation, much of WSPF's energy and concern was devoted to a continuing struggle with the White House to obtain tapes, papers and other evidence that were under President Nixon's control during his incumbency.

The Report describes Cox's early efforts in May and June, 1973, to obtain papers and to insure that White House files containing items he might need would not be tampered with. It details the decision to seek tapes after their existence became known in July, 1973, including the process of identifying for a subpoena the particular tapes which would establish whether John Dean or the President were telling the truth about the President's knowledge and involvement. The negotiations between Cox and the White House and litigation over the grand

jury's subpoena which led in October 1973 to Cox's dismissal are also described. The public uproar over Cox's firing led the President to agree to comply with the subpoena, and the Report describes the disclosure that two of the tapes were missing and one had an 18 1/2 minute gap and the resulting investigation. It details Special Prosecutor Jaworski's continuing efforts to obtain additional materials and the issuance in April 1974 of a subpoena for 64 tapes needed for the Watergate trial and the ensuing litigation resulting in the United States Supreme Court's unanimous decision on July 24, 1974, requiring that these tapes be turned over to the Special Prosecutor.

After President Nixon's resignation WSPF took immediate action to prevent tapes and documents from the White House from being shipped to California and there ensued complex negotiations and litigation, described in the Report, resulting in the Special Prosecutor's obtaining access to the materials he believed he needed to complete his task.

Actions Related to President Nixon's Possible Criminal Liability (Chap. 4, second section)

Section B of Chapter 4 describes the issues facing the Special Prosecutor relating to the possible criminal liability of President Nixon. The background is John Dean's testimony

in June, 1973 before the Senate Select Committee implicating the President in discussions of executive clemency for Watergate burglar E. Howard Hunt and the decision to pay Hunt "hush money." Dean's version was corroborated and added to by the March 21, 1973 tape which WSPF obtained following the "Saturday night massacre" in late October 1973.

The Report describes the deliberations of WSPF on whether President Nixon could and should be indicted and Special Prosecutor Jaworski's decision not to recommend such an indictment to the grand jury, but instead to transmit evidence pertinent to the President's involvement to the House Judiciary Committee which was then considering impeachment. The Report details the steps leading to this information reaching the House Committee and describes the cooperation between the Committee and WSPF that resulted in additional information and assistance being made available to the House Committee. On July 29, 1974 the Committee included in Article II of its Articles of Impeachment a charge that the President had "knowingly misused the executive power by interfering with agencies of the federal government," and included WSPF among the agencies listed.

The Report also details the decision to name President Nixon an unindicted co-conspirator in the Watergate indictment.

After President Nixon resigned, Special Prosecutor Jaworski decided that he would defer any possible criminal action against the former President until the Watergate cover-up jury was sequestered and the trial had started. His purpose was to avoid exposing the jurors to additional pre-trial publicity. The result of this decision was that Nixon, if charged with complicity in the Watergate cover-up, would have been tried separately from Haldeman, Mitchell, Ehrlichman and the other alleged co-conspirators originally charged.

The Report describes Jaworski's meeting with Phillip Buchen, Counsel to President Ford, in which the Special Prosecutor told Buchen that the pre-trial publicity required a delay of at least 9 to 12 months before a jury could be selected and at which he gave Mr. Buchen a list of ten matters pending before WSPF which "may prove to have some connection to activities in which Mr. Nixon is personally involved," but as to which WSPF lacked evidence of a probable criminal violation.

On September 8, President Ford pardoned Mr. Nixon. On October 12 Special Prosecutor Jaworski wrote Attorney General Saxbe a letter accompanying his resignation in which he explained his reasons, included in the Report, for not challenging the pardon.

In addition to the 154 pages in the main body of the Report summarized above, the Report included 13 appendices. They include a complete status report of all cases handled by WSPF up to September 15, 1975, a detailed organizational history of WSPF, a description of the relationship of the Special Prosecutor with the Attorney General and with various federal agencies and legislative committees, a detailed chronology of Watergate events as they related to WSPF's work, and a comprehensive bibliography of the extensive public materials relating to matters investigated by WSPF.